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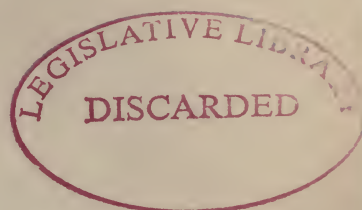


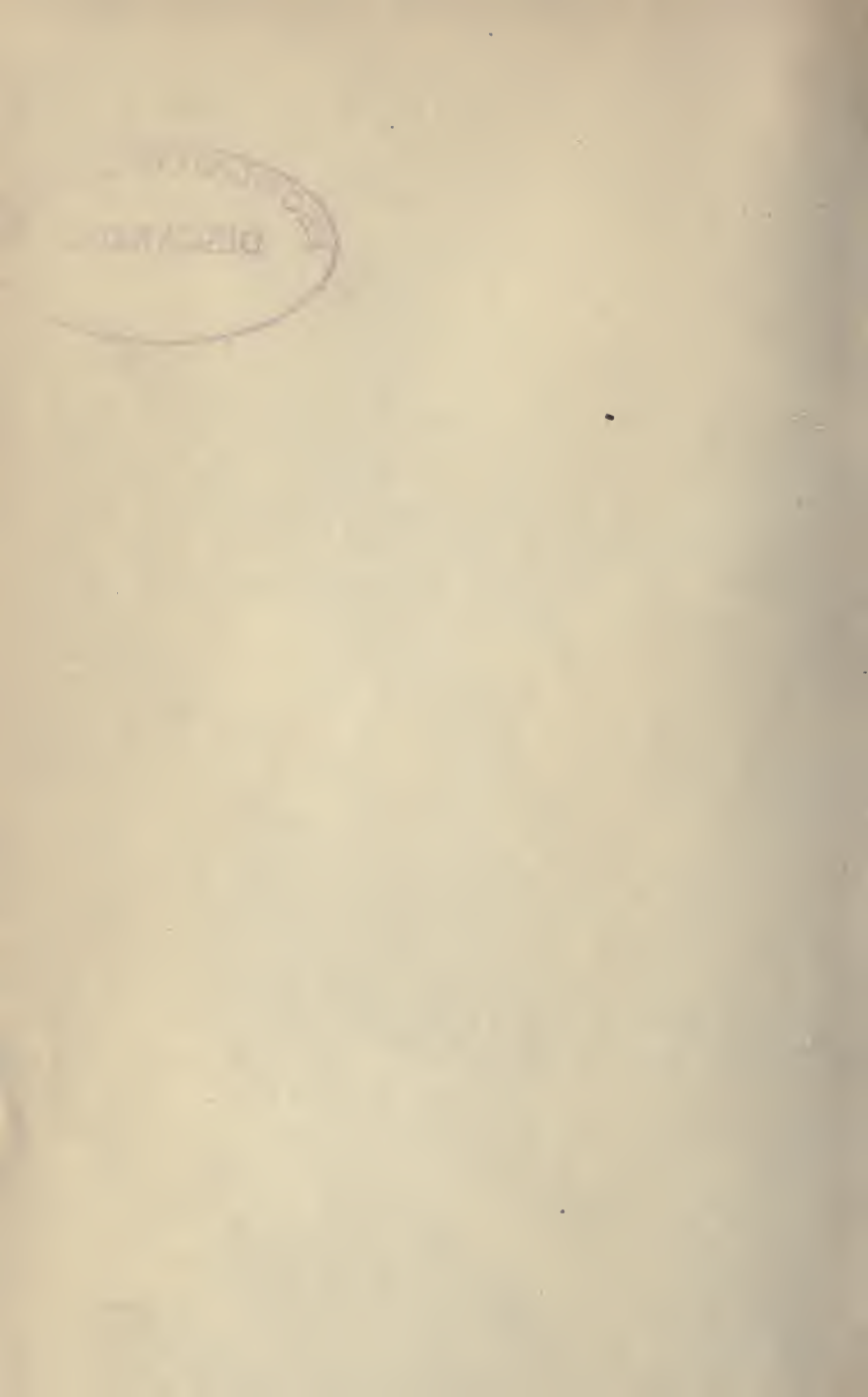
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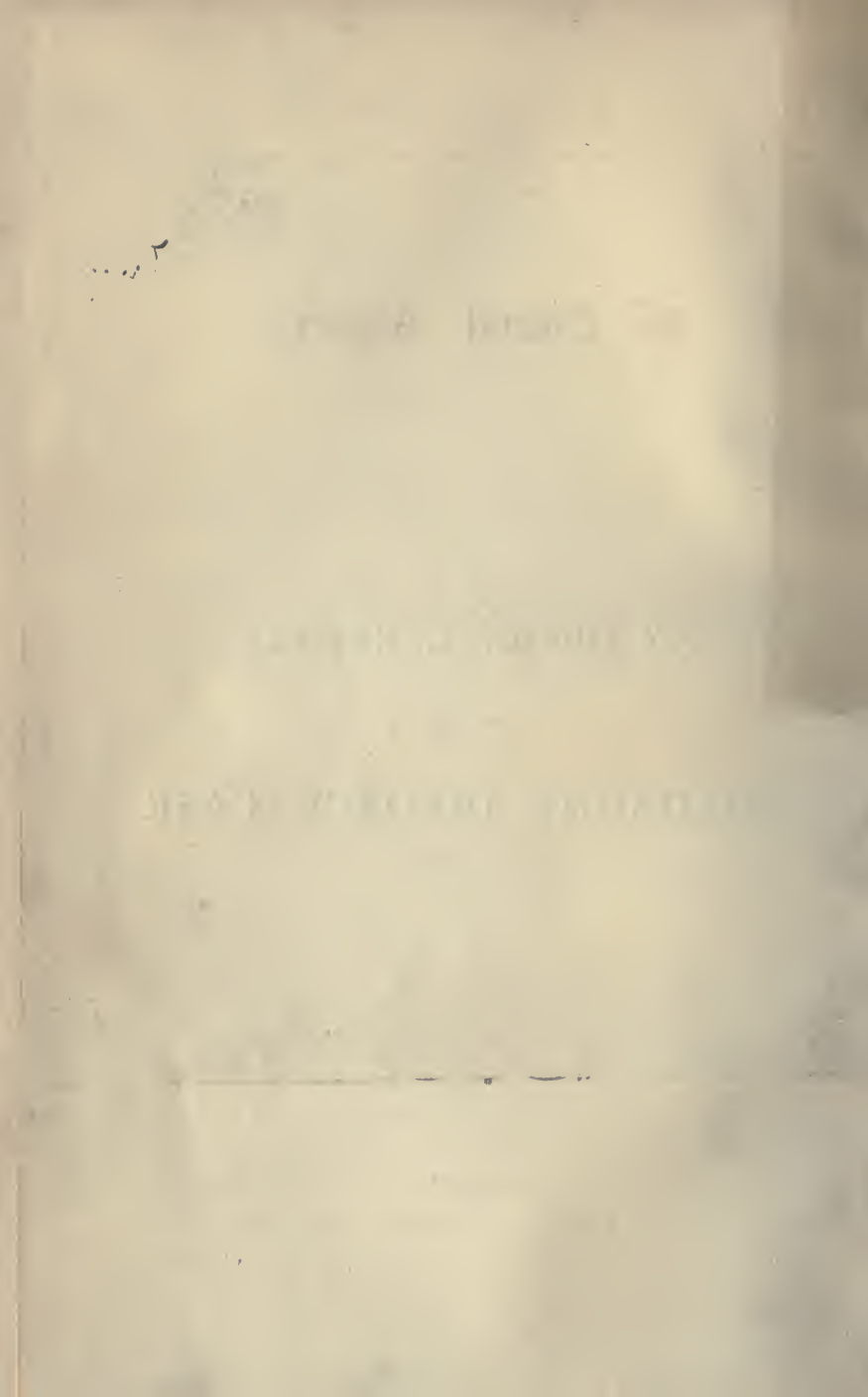
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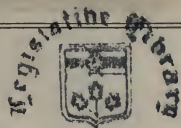


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AN OFFICIAL REPORT
OF THE
MORDAUNT DIVORCE CASE.



THE MORDAUNT DIVORCE CASE.



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An Official Report

OF

MORDAUNT v. MORDAUNT,
Cole, and Johnstone.

AS TRIED BEFORE
LORD PENZANCE, IN THE DIVORCE COURT,
FEBRUARY 16 AND FOLLOWING DAYS.



LONDON:

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Liverpool ; PORTEOUS BROTHERS, Glasgow ; CORNISH BROTHERS, Birmingham.

1870.

THE STORY OF HER BIRTH.

As Violet Mordaunt She Gave Rise to the Great Divorce Case in which the Prince of Wales Figured—Her Recent Marriage.

NEW YORK, May 29.—One of the fairest brides presented at last Friday's drawing-room was the new Lady Weymouth, who was vouched for by her almost equally lovely aunt, the Countess of Dudley. Lord Weymouth, to whom she was recently married, had for the last few years been considered one of the principal catches in the matrimonial market. He is the oldest son and heir of the enormously wealthy and influential Marquis of Bath, who a short time ago refused the proffer of a princess of the blood for his son on the ground that the Marquis of Bath could never consent to appear in a social rank subordinate to that of his wife, as is, for instance, the case of the Duke of Fife and the Marquis of Lorne. The rejected lady was the beautiful Princess May, who, as the bride-elect of Prince Edward of Wales, will one day become

QUEEN OF GREAT BRITAIN.

The most interesting and sensational feature of the presentation referred to, however, is found in the personality of the fair bride, Lady Weymouth. This lady, who was preferred by the Marquis of Bath to a royal princess as a daughter-in-law, was one whose name, during the first year of her life, was the subject of widespread discussion and scandalous gossip throughout the civilized world. Her birth, indeed, gave rise to one of the most famous law cases of the country. She was, in fact, none other than Violet Mordaunt, the child whose unwelcome appearance in this world gave rise to the great Mordaunt divorce case in which the Prince of Wales figured as co-respondent.

It will doubtless be remembered that in the early part of 1870 Lady Mordaunt gave birth to a little girl, of which her husband, Sir Charles, owing to a prolonged absence in Norway the previous year, could not possibly have been the father. Being taxed by Sir Charles with infidelity and questioned as to

THE PATERNITY OF THE INFANT,

Lady Mordaunt mentioned the names of Sir Frederick Johnstone, Viscount Cole and the Prince of Wales as having, each and all of them, claims to the honour. Sir Charles, who is a well-known and wealthy

Scotch Baronet of ancient lineage and sporting tastes, immediately commenced proceedings for a divorce against his wife, naming the Prince, the Viscount, and Sir Frederick Johnstone, who is one of the most prominent figures on the British turf, as co-respondents. Notwithstanding the enormous pressure brought to bear upon Sir Charles to withdraw the charge he remained obdurate, and when the case came up for trial the heir to the throne entered the court

typically unfortunate, for as European etiquette demands that no other visitor shall be admitted during the course of a royal afternoon call, the Prince had been necessarily

EN TETE-A-TETE WITH LADY MORDAUNT on the occasion of each of his numerous visits while she was spending the season of 1869 at the Alexandra Hotel, Hyde Park. On pledging his royal word that no criminal intimacy had taken place between himself and Lady Mordaunt the case against him was dismissed, and he stood exonerated in the eyes of the law, if not in those of the public. Sir Charles ultimately obtained his decree of divorce, Viscount Cole and Sir Frederick Johnstone being pronounced *particeps criminis*.

Of course, Sir Charles refused to have anything to do with or even to see the unfortunate little girl who legally bore his name, although not morally nor physically entitled thereto. The little thing, who was blind during the early days of her childhood, was therefore adopted by Lord Mordaunt's sister, the Countess of Dudley, who brought her up with her own children. The infant grew up in ignorance of the sad circumstances of her birth, and blossomed forth into a woman of such peerless beauty that last season she was all the rage and had

ALL THE MATRIMONIAL CATCHES

at her feet; this, too, notwithstanding the fact that she was almost dowerless, being entirely dependent on the generosity of her aunt. Last year she accompanied the Countess of Dudley on a week's visit to the Prince and Princess of Wales at Sandringham, and by a strange coincidence Sir Frederick Johnstone happened to be staying there at the same time—a fact which excited much comment in the London salons and clubs.

Violet Mordaunt, or, as she is now, Lady Weymouth, has never seen her mother, and would consequently not be able to recognize her in the street if she met her. Lady Mordaunt lives entirely abroad, mostly in Paris, and has long been notorious as a confirmed morphiomaniac, for whom there can be no future but the insane asylum or the grave. She may often be seen driving in the Bois de Boulogne, but one has difficulty in discovering in her features traces of the marvellous loveliness which rendered her the most famous of the beautiful daughters of that most unscrupulous old matchmaker

THE LATE LADY LOUISA MONCRIEFFE.

Lady Dudley was married sorely against her will to the wealthiest and maddest Peer of the age, who passed half of his time in taking extraordinary precautions to preserve his stomach from harm, and was so convinced that it was made of glass and would crack or smash at the slightest jar, and the rest of the time in buying baby clothes and furniture for the infant to which he believed he himself was about to give birth. Another of Lady Mordaunt's sisters is the Duchess



MORDAUNT *v.* MORDAUNT, Cole, Johnstone, and Others.

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

FEB. 16.—FIRST DAY.

(Before Lord PENZANCE and a Special Jury.)

[THE opening of the much-talked-of “Great Warwickshire Scandal” case, in the Divorce Court, at Westminster, excited unusual public interest. The doings of this Court at all times are regarded with a curiosity calculated to lead a man cynically inclined to believe that vice is more fascinating than virtue. Most people would hardly credit the eagerness with which ladies and gentlemen of all ages clamour day after day for the privilege of hearing revelations of impure life, leaving the Court only when entrance has been denied them, and even then reluctantly. The chronic attraction which this department of justice presents on ordinary occasions is naturally heightened, twenty or a hundredfold, according to the nature of the cause to be heard. Curiosity rose in the present case to fever-heat, for persons of high social standing were concerned, and a goodly feast was offered to the scandal-mongers of the period. It is perhaps a fortunate thing that Lord Penzance has of late strictly limited and regulated the attendance at his Court, and it was also a fortunate thing for those who were penned there that the regulations were strictly enforced. The Divorce Court is generally acknowledged to be a dim, dark hole,

without comparison in the metropolis, possessing accommodation which is both scanty and bad, and ventilation in which considerations as to health and life can never have been entertained. It has scarcely room for those who have business there, much less for strangers. A stern policeman at the door, kept up to the mark by an occasional visit from Mr. Superintendent Denning, the police superintendent of St. Stephen's, sent away crowds of ladies and gentlemen who flocked down to Westminster to whet their appetites upon the Mordaunt case. Men, women, and children, of all sorts and conditions, besought and implored for a brief hour within the jealously guarded portals. Official orders were, however, peremptory, and the coveted pleasure was denied. The courtesy of the gentlemen connected with the Court towards all who have legitimate concern in it led to much imposition and dodgery. If all who claimed admission because they were representatives of the press are actual reporters, there are enough of them in London just now to freight a small emigrant ship; while the *soi-disant* solicitors and solicitors' clerks would have filled every Court in Westminster, without any reinforcements from Chancery-lane. Appeals and protests, however, were offered to deaf ears, and the result was comparatively little crowding until after noon. Barristers unconnected with the case—the only one on the paper—were present in great force, and they were so intense in their desire to obtain seats that one or two learned gentlemen holding briefs were unable to approach their leaders, whereupon an application was made to permit the stuff and silk gowns to appear in the same row. The Judge Ordinary did not accede to this request, but he did intimate significantly that if any barrister was aggrieved in the matter of sitting room, he had only to state his troubles to the Court. The briefless gentlemen thereupon ceased their contentions. The chief notabilities in Court, some of whom were seated in the

circular gallery under the roof, included General Sir W. Knollys, who remained throughout the entire six hours ; Lord Alfred Paget, Mr. Knatchbull-Hugessen, M.P., Mr. Brassey, M.P., and two of Sir Charles Mordaunt's brothers. *No women were admitted amongst the spectators.*

There being a kind of preliminary argument touching the sanity of the respondent, to Lady Mordaunt's counsel fell the duty of opening the case, and his object was to show that her Ladyship being now insane is unable to say either " Guilty " or " Not Guilty." On the other side, the intention of Sir Charles Mordaunt's counsel was to prove that the respondent only feigned madness. The plea of insanity was urged by Lady Mordaunt's father, Sir Thomas Moncreiffe. The " pleadings," which are very necessary items of a case, albeit more wordy than intelligible to the lay mind, were opened by Mr. Searle. The statement to the Jury, quietly and clearly made by Dr. Deane, disposed at the outset of any hopes which might linger in the minds of the curious upon details respecting the main issue ; but the interest of the legal profession was great when it transpired that this was the first time in the history of the Court that an accused person had pleaded insanity as a bar to further proceedings—a plea often heard at assizes, where criminals so circumstanced are " removed during her Majesty's pleasure." The Jury seemed quite absorbed by the learned counsel's recital of the sad incidents of the respondent's aberration of intellect—her failure of memory, her inability to converse, her attacks of catalepsy, her fondness for signing cheques and begging pence, and her breaking down in a song which she had been in the habit of singing at Walton Hall in happier days. The learned counsel, in sketching this gloomy picture, assumed a solemnity of tone that was most effective with the Jury, in proportion as it was disappointing to the public, who, after straining their necks to hear the narrative,

gave up the attempt. The remainder of the speech was delivered to an accompaniment in which the scratchings of a score of quill pens and the buzz of suppressed conversation strove pretty equally for mastery. Dr. Deane said all he had to say, however, in fifty minutes, and then came the witnesses. They were of two kinds—attendants and nurses who have been with Lady Mordaunt since her confinement in the February of last year, and medical men who have either attended her for the purposes of the trial, or have long known her and Sir Thomas Moncreiffe's family. One and all, however, had a very sad tale to tell of Lady Mordaunt's condition. There are some people, however, who must laugh at everything, and this class had a few representatives in the Divorce Court to-day. It was fun for them to hear that Lady Mordaunt had descended to the drawing-room clad only in slippers, stockings, and opera cloak; that she once gave a beggar woman a dead leaf instead of a coin, drawing forth the remark from the vagrant, "Poor thing! God bless her, God bless her!" and that she was in her personal habits more helpless than a child. The female witnesses were, with one exception, indistinct almost to inaudibility; and Lord Penzance, who is noted for being the kindest as well as shrewdest of Judges, felt compelled to give them occasional hints. The unpleasant particulars into which it was necessary they should enter to prove the alleged insanity, naturally created a good deal of hesitation and confusion. Indeed, during the cross-examination of the first witness, Serjeant Ballantine bore with the difficulty until, upon his saying, a little energetically perhaps, "I can't hear you, and I must hear you," the witness fainted. Mr. Billings, the Judge's clerk, no doubt used to such incidents, was ready with restoratives on the moment, and the lady soon recovered. The stifling atmosphere of the Court probably had something to do with this, for the Judge himself found it necessary to

have his smelling-bottle and inkstand side by side. The cross-examination was conducted by Serjeant Ballantine. He tried by every means to discover whether Lady Mordaunt had ever in her wandering moments mentioned the names of the persons, or the events out of which the cause sprung, but the short and decisive answer invariably was "No." The learned Serjeant did succeed in eliciting from one companion an admission that she went to Lady Mordaunt engaged to look after a lunatic lady, and from two succeeding witnesses that they had kept diaries of Lady Mordaunt's doings, but had since burnt them. At this there ran through the spectators that well-known but undefinable murmur which seems to signify that the truth is coming at last, and that it is useless to conceal it any longer. The ladies explain their conduct, however, the one by saying that she destroyed her diary because one of the entries was too coarse in its statement to be seen by any but herself; the other, by boldly declaring that she did it because after a visit from one of the lawyers she wished to get rid of the evidence. The "sensation in Court" was repeated when Lady Mordaunt's own maid said her mistress was at present more like "a beast of the field than human." This young lady rather pertly resented Serjeant Ballantine's questions as to her own history—why, it was difficult to perceive, as the cross-examining merely aimed at proving that the witnesses were sent to look after the respondent on the distinct understanding that she was a lunatic. The remaining evidence was medical, and mostly corroborative. Its even tenor was broken by a bit of legal argument as to the course of Serjeant Ballantine's procedure. The appearance of Sir James Simpson in the witness-box excited, naturally, no little attention, and those who were ignorant of his renown could not fail to be struck with the massive head, luxuriant hair, and striking expression of features, that so much reminded one of Professor Wilson. Sir James

gave his evidence a little out of turn, in order to catch the night mail to Edinburgh. Sir Thomas and Lady Moncreiffe were in the neighbourhood of the Court, ready to be examined if called upon, but an adjournment took place at four o'clock.]

THIS was a petition by Sir Charles Mordaunt, of Walton Hall, in the county of Warwick, for a dissolution of his marriage with Harriett Sarah, Lady Mordaunt, on the ground of adultery. The petitioner alleged the marriage on the 6th of December, 1866, at St. John's Episcopal Church, Perth; cohabitation at Walton Hall, and at 6, Belgrave-square; and adultery with Viscount Cole in May, June, and July, 1868, at Chesham-place, and in July, 1868, and January, 1869, at Walton Hall; and adultery with Sir Frederick Johnstone, in November and December, 1868, at Walton Hall, and in December, 1868, at the Alexandra Hotel, Knightsbridge; and adultery also with some person between the 15th of June, 1868, and the 28th of February, 1869. The citation was served on Lady Mordaunt, at Walton Hall, on the 30th of April, 1869. An application was afterwards made on her behalf to stay the proceedings, on the ground that she was not of sound mind, and was, therefore, unable to plead and to give instructions for her defence, and the application was supported by affidavits. Counter affidavits were filed on behalf of the petitioner, with the view of showing that Lady Mordaunt was feigning insanity in order to avoid pleading to the petition, and on the 27th of July, 1869, an order was made that her ladyship's father, Sir Thomas Moncreiffe, should appear as her guardian *ad litem*, for the purpose of raising the question as to her state of mind. On the 30th of July, 1869, Sir Thomas Moncreiffe accordingly entered an appearance, and alleged that at the time when the citation in this suit was served on the respondent, to wit, on the 30th of April, 1869, the respondent was not of sound mind, and that she has not since been and is not now of sound mind. The petitioner having taken issue on this allegation, the question was ordered to be tried before the Court by a special jury, and it now came on for trial.

The limited accommodation of the Court was hardly sufficient for the witnesses and others who were obliged to be present, but besides these there was an inconveniently large attendance of spectators, including a crowd of barristers who were not engaged in the case, and the atmosphere was so oppressive that one of the witnesses nearly fainted in the box.

Mr. Serjeant Ballantine, Dr. Spinks, Q.C., and Mr. Inderwick appeared for Sir Charles Mordaunt, the petitioner; Dr. Deane, Q.C., Mr. Archibald, and Mr. Searle for Sir T. Moncreiffe, the guardian *ad litem* of Lady Mordaunt; Mr. Lord and Mr. Jeune watched the case for the co-respondents.

The affirmative of the issue being upon the guardian of the respondent,

Dr. *Deane* opened the case. He said that although this suit was brought by reason of alleged adultery with certain persons, the question of adultery was not the question now to be decided, and he begged the jury to dismiss entirely from their minds the very existence of such a case. For the purpose of the inquiry into which they were about to enter, it mattered not whether Lady Mordaunt was the most guilty woman in the world or the most loyal and devoted of wives. The question they would be asked to decide was whether on a certain day, and since that day, Lady Mordaunt had or had not been of sound mind. Such an inquiry as the present was entirely new in that Court. In other Courts the proceeding was familiar enough, and there were many criminal trials in which the question arose. The principle upon which this proceeding was based was that no man should be put on his trial when unable to defend himself owing to an affliction which could only be ascribed to the visitation of God. Many such cases were to be found in the law books, and one of the best to which he could refer them was that of the trial of Frith for high treason, in the 22nd volume of the *State Trials*, p. 318. In that case the presiding Judge charged the jury as follows:—

“The inquiry which you are now called upon to make is not whether the prisoner was in this unfortunate state of mind when the accident happened, nor is it necessary to discuss or inquire at all what effect his present state of mind might have whenever that question comes to be discussed; but the humanity of the law of England falling into that which common humanity, without any written law suggests, has prescribed that no man shall be called upon to make his defence at a time when his mind is in that situation as not to appear capable of so doing; for, however guilty he may be, the inquiry into his guilt must be postponed to that season, when, by collecting together his intellects, and having them entire, he shall be able so to model his defence as to ward off the punishment of the law; it is for you, therefore, to inquire whether the prisoner is now in that state of mind; and, inasmuch as an artful man may put on appearances which are not the reality of the case, I think the counsel for the prisoner have judged extremely proper for your satisfaction and the public’s, not to suffer your judgment to proceed on that which the prisoner has now said, though that is extremely pregnant with observation; but they have called witnesses, and gone back to the earlier period of his life, and stated to you at the time when the two letters were written, the language of which you have heard—which seems to me not to leave any doubt on any man’s mind. Therefore, the question the Court proposes to you now is, whether the prisoner is at this time in a sane or insane state of mind.”

This, he contended, was the very state in which the case of “*Mordaunt v. Mordaunt*” now stood for their consideration, and in the case of the “*Queen v. Goode*” (7, *Adolphus and Ellis*), the prisoner, when arraigned, having shown unmistakable signs of derangement, the jury was empanelled to try whether he was capable of defending himself at the time, and the inquiry was in all such cases limited to

this question,—Was the person accused in a state to give instructions for his defence? It was on the 30th of April last that the citation and petition were served on Lady Mordaunt, and consequently from that date the state of her mind would become the subject of investigation, although it was not until the 31st of July that the question was put into a proper shape to receive an answer from the jury. The question, therefore, they would now be called upon to decide was, whether Harriett Sarah, Lady Mordaunt, was on the 30th of April of sound mind and had since been so. Two theories might be advanced to explain the facts which he was about to bring before them in evidence,—one which he would have to support, and another which Serjeant Ballantine would probably maintain. His learned friend might argue thus,—“There are certain signs and indications which would lead a casual observer to infer madness, but those symptoms are unreal and put on for a purpose, and are only assumed in the presence of certain persons. Before her relations and friends she, indeed, appears to be of unsound mind, but when others are present she is not so, and has not that seeming.” The answer to that argument was sufficiently obvious. How strange that a person charged with such a crime as that alleged against Lady Mordaunt should put on this appearance for the purpose of deceiving those who were most deeply interested in her welfare. The theory he should maintain was,—first, that Lady Mordaunt was really and in fact suffering from a disorder which, whether primarily or by more remote reaction, had affected her blood, and, probably acting through the nervous system, had deranged her mind; and secondly, that this complaint was existing at the time when these charges were brought against her, and had from the 30th of April, and down to last Saturday, the 12th of February, become worse and worse. Dr. Deane then mentioned the facts as they were afterwards proved in evidence, and upon which he relied in support of his case. The outward acts, he continued, which medical men, her friends, and relations would relate might, it would be argued on the other side, be merely put on for the purpose of deceiving those who watched her; but, he asked, was it possible that this young woman, not yet twenty-two years old, should have had sufficient strength of will, through ten long weary months, to keep up this play. But how could they explain away what, for the purpose of distinction from outward acts, he would call the inward symptoms? Giving her full credit for stratagem, practice, and art, by what stratagem, he asked, could she govern the beat of her pulse and the throb of her heart, so as to deceive all the medical men who examined her? By what device could she regulate the appearance of her skin, and produce at will the clammy perspiration of disease? How moderate the temperature of her body so that the head should be hot and feet cold at the same moment? With what drug, not knowing the time when the medical men would visit her, could she cause her breath to emit a peculiar fœtor? These things spoke in language which could not be misunderstood. They were the result of a distempered and disordered condition of body. If deceit had really been practised, she

must be indeed a remarkable deceiver to impose upon eight or ten of the wisest physicians of the United Kingdom. He concluded by expressing a hope that he had so laid the facts before them as to secure all he wished for—a calm and impartial consideration of the case.

Miss Jane Lang was the first witness called. She deposed.—On the 17th of May last I became lady companion to Lady Mordaunt, who was then at Belgrave-square. I accompanied her to Worthing, and remained with her till August 18. I was constantly in the house and in attendance upon her, sleeping in an adjoining room. Her memory was often quite gone. She would ask me to help her to think. She could not remember recent events, even those which had happened on the same day. She often used her fingers in eating, and she tore her fingers with pins, which she concealed about her dress. When out walking she would pick up horse manure and dried mud with her hands. I found it difficult to make her put such things down. She showed a total want of modesty; would go about the house with scarcely any clothing, and perform the offices of nature while standing in the drawing-room or bedroom, or in bed, without any utensil. She had to be washed and dressed like a child. Sometimes she would not speak for days. She wandered about the house at night, and often came to my bedroom. I ordered the servants to lock their rooms, and she asked for a hammer to break them open, as she thought Sir C. Mordaunt was locked up in them. She came down one night with only stockings, slippers, an opera cloak, and muff on. I bribed her with pennies to go quietly to bed. She once asked the flyman to lend her some money to pay himself. When out riding, she threw herself about the carriage. She complained of great pain in her head, and I applied eau de Cologne, a bottle of which she once applied to her feet. Her hands and feet were always cold. She was sometimes very irritable, scolding everybody. The least noise distressed her, even the talking of persons walking in the road. There was a strange expression in her eyes. She took a dislike to some of her dresses, and said that one dress was the devil. She put one of her hats down the water-closet. She complained of things about her being dirty, and of seeing black things floating about. She would pick up pennies and hide them. When I first went she would not eat, for fear of poison, and I was obliged to feed her. She would try to control herself before strangers, which made her more excited afterwards. When she thought no one was watching her she showed these symptoms most. Her sleep was very irregular. I saw her last Monday at Bromley. For about ten minutes she behaved very well, but then threw herself on the floor, went on her hands and knees, ate a piece of coal, and wandered about the house.

Cross-examined.—I formerly resided with her parents. My father is a doctor at Newcastle. Her mother came to see her while I was staying with her, and also two of her sisters. I never conversed with her about anything her mother, Lady Moncreiffe, had told me. She once referred to her confinement.

Mr. Serjeant *Ballantine* proposed to ask the witness whether Lady Mordaunt ever referred to acts of impropriety with any person.

Dr. *Deane* objected to this, as opening the question or presumption of her guilt or innocence, and as immaterial to the present issue; but

His *Lordship* held that any reference made to events which happened at the time of Lady Mordaunt's confinement had a bearing on the state of her memory and ordinary intelligence.

Cross-examination continued.—She never accused herself of improper conduct with any gentleman, and never alluded to such a thing, nor conveyed any such idea. She mentioned the names of acquaintances, and talked of inviting them to make a party, so as to make her life less dull. One day, when pretty well, she referred to her confinement. She sometimes asked after her child, but did not refer to its having been born with an affection of the eyes. She talked of Sir Charles's journey to Norway, and of his having proposed that she should go too. She did not say he had wished her to go. I don't remember that she gave any reason why she did not go. She slept alone, Mrs. Caruthers sleeping in the adjoining room. She was allowed scissors, &c., sometimes. She asked me to get a cheque-book, but I did not, and she drew no cheques while I was there. The cheques produced are entirely in her handwriting. Lady Louisa Moncreiffe had told me of certain statements which Lady Mordaunt had made a few days after her confinement, and had mentioned certain names. I asked her, towards the end of July, whether she remembered what she had said when ill, and she replied, "I remember what it was said I had said, but I did not say it." She said nothing further, and I did not refer to the subject again. I think she understood to what I alluded. Lady Louisa came down in July, and was with her about three hours altogether. The letters produced are in Lady Moncreiffe's writing.

Dorothy Frances Caruthers.—I have been accustomed to the care of persons of weak mind. I went to Lady Mordaunt at Worthing on the 31st of May, and remained till the end of August. I slept in the adjoining dressing-room. She had a bad memory, and talked very little, sometimes not speaking for an hour. She refused her food, thinking it was poisoned, but when she began, ate it ravenously with her fingers. She would pick articles of clothing to pieces with pins. When out riding she would laugh and spit much, and try to get out when the horses were going fast. Sometimes she refused to be washed, and would relieve herself on the floor of her bedroom or of the closet, as also in bed. She would besmear herself with the evacuations if not prevented. This happened twice or thrice. She was not at all ashamed of such conduct. One dress she objected to as connected with the devil. She complained of heat and pain in the head. She would come to me and tell me my head was hot or my feet were cold, instead of her own. She had a very vacant look. She was very anxious to have money, and once having picked up some pennies from the dressing-table gave the butler a penny to get some tooth-powder, and wished the rest to be laid out in postage-stamps. She would become very excited and box my ears without any provocation.

I removed her dressing-case from her room because she so frequently asked for things out of it, but she afterwards frequently asked for it. The state I have described lasted all the time I was there.

Cross-examined.—A piano, books, and drawing materials were in the room. She very seldom played, and though she would sit with a book in her hand, I don't think she read it. I did not allow her to go to shop, as I thought she would have chosen a lot of things she could not have. She frequently wished to go shopping. Dr. Tuke sent for me to go. I never mentioned to her the circumstances of her confinement. She referred to her baby, and said she did not like babies, and wished to kill it. She gave no reason, but only laughed. She wished to go up to London. I went with the impression that she was a lunatic, and treated her as such.

Re-examined.—I don't know that I was ever told she was a lunatic, but I concluded so from Dr. Tuke having sent for me, and from my having been an attendant on lunatics. She was angry when not allowed to go to London. She wanted to go to Walton and also to see Sir Charles, and for her baby to be sent for. She at first frequently spoke of Sir Charles, and before I left was angry, I think, that he did not come to her.

Jane Keddle.—I went as companion to Lady Mordaunt last October, and have remained with her since at Bickley. At times she takes her meals very quietly, but at others eats ravenously, and occasionally with her fingers. She helped at dinner at first, but sometimes would sit looking at the dish without helping herself or me, and after beginning would lay down the knife and fork, consequently I had to help instead. When out walking she would sometimes sit down on the ground and scrape the mud with her hands. When out driving she speaks little, but indulges in bursts of causeless laughter, and recently she has tried often to get out of the carriage. She often spits out of the window. Her face is frequently puckered up as if deep in thought, and at other times she looks quite wild and excited. She seems unable to carry on rational conversation; if she makes a remark it is some silly one, and if questioned she seldom answers. When out walking she will try to snatch children's hats off, and recently she went up to a beggar woman and gave her a dead leaf. The woman said, "Poor thing, God bless her!" She will not do any sewing that is set her, and frequently holds a book in her hand upside down. At first she could play entire pieces on the piano, but she can now only get through a few bars. She frequently writes; the papers produced are in her writing, which I have collected from her writing-case from time to time. She frequently destroys her music-books and clothing by burning them or tearing them up. She throws herself violently down on her face or back. At times she eats a large quantity of meat, but more frequently pastry. She eats coal, cinders, and "fluff" off the carpet. She seems contented and happy, though at times angry. Her baby came the Saturday after I went there, and stayed about three weeks. She only had it three or four times, and did not seem to comprehend it was a baby. She put it on

the floor and told it to amuse itself with a book, though it was only seven months old. She was not left alone with it. She took it out in the carriage several times, but took little notice of it. She put it once on the edge of the sofa, and it would have fallen if I had not saved it. She seems to have lost all sense of delicacy or decency. I remember playing whist with her with Dr. Wood. Her present state is decidedly worse than when I first went. Dr. Reynolds and Dr. Gull wished me to go.

Cross-examined.—My last situation was that of lady superintendent of a small hospital. I have never been with lunatics before. Dr. Reynolds told me she had suffered from some illness, and that it was supposed to have affected her mind. I kept a diary a short time to assist the doctor in forming an opinion, but burnt it because I should have had to put down many unpleasant things, and I did not anticipate the case would come into Court. I destroyed the diary because it recorded an act of indelicacy which I did not wish others to see. Mr. Hannay, Sir C. Mordaunt's solicitor, heard me read extracts from it. He told me he was afraid the case would come into Court. I have written twice to Lady Louisa Moncreiffe. I had a letter from her in December, but think I destroyed it. She has been down three times, but did not stay in the house. She was alone a short time with her daughter. Lady Mordaunt's father has been down three or four times, but she would not remain with him. She got up once and went up to her bedroom, leaving him. I have read her paragraphs I have seen in the papers respecting her case, but she has only laughed at them. Her maid sleeps in the room with her.

Re-examined.—Mr. and Mrs. Herbert Murray have visited her. We took her once to Mrs. Murray's, in London, returning the same day.

Sarah Barker.—I am lady's-maid to Lady Mordaunt, and have been with her since the 31st of August. I sleep in her bedroom, and see her constantly, as the house is very small. I have tried to converse with her, but she cannot talk collectedly. Her memory on some points is good, on others bad. She remembers remote better than recent dates. She is quite indifferent about dress, and destroys her clothes. As to personal cleanliness I can only compare her to a beast of the field; she is not human. I came up to London to Chester-square (Mr. Murray's) in September, and called for her again in the evening. I frequently walked out with her. Sometimes she throws herself on the ground, or goes into shops and asks for articles she does not want. I have been obliged to use force to pull her out. She spits out of the carriage frequently. She got out once while it was in motion, and ran up the hill. I lock her bedroom-door at night, because she had frequently left it and gone into the passage or drawing-room. I had also seen her go into the butler's bed-room at the further end of the passage in her nightdress. She has become decidedly worse. She did not appear to care for her baby, though she has nursed it. Dr. Gull and Dr. Reynolds sent me to Bickley.

Cross-examined.—I previously lived in Paris, in the service of a young French lady. I have also lived in Orchard-street, Portman-

square, at Dr. Squire's. I kept a diary about a month, but destroyed it after giving what was in it to the lawyer, as I thought there would be no further use for it. Sir C. Mordaunt's lawyer told me to keep it. I gave my evidence to him in November, and he told me he should not call me here. Lady Mordaunt has never referred to her separation from Sir Charles.

By the *Court*.—My last situation was at Mrs. Grubb's, in Gordon-square, and I was there until I went to Lady Mordaunt.

Dr. William Overend Priestley.—I am Fellow of the College of Physicians, and lecturer of King's College Hospital. I have for many years been medical attendant to various members of Sir T. Moncreiffe's family, including Lady Mordaunt. On the 6th of last May I went to Walton-hall, with Sir James Alderson and Dr. Harrington Tuke. I have a few notes made immediately after my return. We were ushered into the luncheon-room, where Lady Mordaunt was. She recognised me. She was writing at a table to Sir Charles. She was at first somewhat cordial, but soon became taciturn, and conversation was impossible. She answered me about her condition at first in monosyllables, and to further questions gave me no answer. We lunched with her. Her sister, Mrs. Forbes (who has been recently confined, and is not yet convalescent), was also there. We could get no conversation with her. Sometimes she answered questions and sometimes not. On getting to the door in order to leave the room, she stood still and appeared to have lost consciousness. Her sister led her away. I went up to her sitting-room with the other two physicians. We found her greatly distressed and in tears. We all attempted conversation with her, but I don't think I got a reply to a single question. We were with her altogether three or four hours. Each of us saw her alone. On the 16th, 17th, and 18th of May I saw her in Belgrave-square, twice with Dr. Gull. We agreed that she was of unsound mind, and quite incapable of managing her own affairs. Her memory was almost annihilated. I could make her understand only the simplest things, even those being doubtful, and I gathered from her attendants that her habits were those of a person of unsound mind. She seemed weak physically, her pulse being languid, and her general health impaired, but her mental powers were especially impaired. There is a close connexion between hysteria and catalepsy. Catalepsy is caused by some serious derangement of the nervous system, and it has great tendency to drift into something else. Catalepsy is not necessarily associated with unsoundness of mind, though it may accompany or follow it. Her countenance had an expression of vacuity and mental weakness. I have not seen her since May.

Cross-examined.—It is difficult to define hysteria; the symptoms are very Protean in their form, and many persons are subject to it. Lady Mordaunt was always very sensitive, but I had seen no indication of hysteria in her before. Her manner on leaving the room was a mild form of catalepsy. It is not a common disease. I had attended her before, and should have attended her in her confinement (the 28th of February) had it not been premature. I have seen Lady

Louisa Moncreiffe several times. The first suggestion of insanity to me was by letters shown me by her sister, Mrs. Forbes, a fortnight after her confinement. I inquired into the character of the confinement and into statements she had made, which I learnt from Sir T. Moncreiffe. I heard she had imputed to herself impropriety, and I considered that when giving my opinion. In my certificate I said she was "suffering from puerperal insanity, accompanied by delusions, some of which still exist." She thought she was still mistress in her own house, and that Sir Charles had only left her for a short time, whereas he had permanently left her; and she had other delusions. I excluded from consideration the statements as to acts of impropriety, as I was not certain whether they were delusions or not, while there were others which were unmistakably delusions. I thought it very probable, however, the self-accusations were delusions. I thought it quite possible she might have detailed accounts which were perfectly true, and yet be suffering from puerperal insanity, but such self-accusations in the majority of cases are not true. Even if detailed statements of transactions with four or five gentlemen had proved to be entirely correct, I should still have thought her suffering from puerperal insanity, accompanied by delusions. I was informed she had been very excitable after her confinement, and had picked at things which she imagined she saw in the air. Puerperal insanity may or may not be associated with delusions. Mrs. Forbes told me she still believed herself to be poisoned. I made no inquiries to satisfy myself whether the statements about certain gentlemen were true or false. I had no means of doing so.

His *Lordship* remarked that a medical gentleman could hardly have instituted such an investigation.

Mr. Serjeant *Ballantine* said he now proposed to question the witness as to the circumstances of Lady Mordaunt's confinement, her previous health, and the statements she then made.

Dr. *Deane* objected to this, urging the propriety of excluding as far as possible everything bearing on the main issue between Sir Charles, Lady Mordaunt, and other persons, and of confining the evidence to Lady Mordaunt's state of mind. Great injustice would otherwise be done to persons who could not appear in this case, and the main issue would be gone into and prejudiced.

His *Lordship*, admitting that these objections had some force, said the question was whether these circumstances were material to the present issue, and the contention of the other side being that this lady was simulating insanity, he could not exclude facts which were relied upon as showing a motive for simulation.

Dr. *Deane* was willing at once to admit that there was the strongest motive for feigning insanity.

His *Lordship* asked Mr. Serjeant *Ballantine* what he wished to go into.

Mr. Serjeant *Ballantine* replied that he wished to bring forward evidence regarding the child and a disease from which it was suffering.

His *Lordship* remarked that statements having, as it was alleged,

been made compromising Lady Mordaunt's character, and constituting a strong motive for simulating insanity, the other side had a right to lay before the jury facts which might have been pressing on her mind and inducing her to take a particular course. If there was no question of good faith, all these matters would of course be immaterial.

Mr. *Archibald*, in support of the objection, cited the analogous case of an inquiry whether a person accused of murder was in a fit state to plead, in which no evidence of the principal offence was admitted, though such a charge would furnish a strong motive for simulating insanity. The inquiry ought to be restricted to the question whether Lady Mordaunt was in a fit state to give instructions to her legal advisers. The main issue would be much prejudiced by all these matters being gone into, and it would become necessary on the part of her friends to go back and examine the witnesses on all these matters from the very time of her confinement.

Mr. Serjeant *Ballantine* contended that in the case of an inquiry into the sanity of an alleged murderer all the surrounding circumstances might be gone into.

His *Lordship* held that no such line could be drawn as to exclude all facts and circumstances antecedent to the 30th of April. He did not recollect a case which represented features similar to the present case. A great deal of evidence had been given to show that Lady Mordaunt's mind was affected, but her conduct was attributed on the other side to simulation, and the petitioner could not put before the jury his case on this head without showing the circumstances under which the motive for such simulation was said to have arisen. It was unfortunate that to do this involved an investigation which might have to be gone through hereafter, but he saw no possibility of excluding this evidence if the petitioner insisted that it was material. He would, however, take a note of Dr. Deane's objection.

The cross-examination was accordingly proceeded with, and the witness said—In October, 1868, I attended Lady Mordaunt for a discharge of some kind; it was not then specific in its character, and I never thought it specific. Being further pressed on the matter, he stated that the child's affection of the eyes might have resulted either from a specific or non-specific form of disease on the part of its mother, and that the rapidity and thoroughness of its recovery furnished a strong presumption that it was not specific. The treatment for both forms would be precisely the same.

Dr. Thomas Harrington Tuke.—On the 6th of May I visited Walton Hall. I have heard Dr. Priestley's evidence, and agree with it as far as it goes. I examined Lady Mordaunt, and that and a previous visit were the basis of my certificate. I thought her suffering from puerperal insanity, tending to dementia, also from catalepsy, which was very severe on the first, but less so on my second visit.

On the 6th of May I thought the weakness of mind was more pronounced. She laughed much, and showed a tendency to reverie. I have not seen her since.

Cross-examined.—My theory is that from about the fourth day after her confinement she had been suffering from puerperal insanity. I heard the statements she was alleged to have made to a great many people. I never communicated with Lady Louisa. I thought the statements were delusions, but I carefully avoided referring to them in my report, as there were many other delusions. It seemed to me incredible that a lady within a few weeks or months of her confinement should have acted as I was told she had asserted with half a dozen gentlemen. The ordinary delusion of puerperal mania is of that kind. I excluded those statements from consideration, thinking her on other grounds clearly insane, and I was anxious not to involve other persons. She had been under a delusion that there were dead bodies in the room, and on my asking her about this, she said, "Well, were there not dead bodies there?" She also told me that she was poisoned by laudanum in her bed-room, but I ascertained that there had been no laudanum. She also thought her husband would return shortly.

Sir James Alderson.—I went with Drs. Priestley and Tuke to Walton. I concluded that Lady Mordaunt was of unsound mind. I saw her again with Dr. Gull on the 3rd of July at Worthing. Everything was then worse than previously. The bodily symptoms were more marked. She had a very vacant look, cold wet hand, slow pulse, disordered circulation, a white tongue, stained as if with milk, and an atmosphere about her peculiar to insanity. She had a fixed attitude, and scarcely gave a single rational answer to our numerous questions. There was an attempt to speak, but she appeared to lose the thread, and ended with a silly laugh. I saw several scraps of her writing. I have not seen her since. I have heard the evidence of the attendants. If true it shows that she is of unsound mind.

Cross-examined.—I have been physician to an asylum with 100 patients, but lunacy is not my speciality. I think I could distinguish an insane patient by the perfume she exuded.

By the *Court*.—Puerperal insanity generally comes on three or four days after confinement, but sometimes not till the end of suckling. Self-accusation is very common with it.

Sir James Simpson.—I am a physician practising at Edinburgh. I saw Lady Mordaunt at Walton on the 14th of April, and again last Saturday, when I found her fearfully insane, a mere wreck and ruin of the mind. She was in good bodily health. I went down with her mother, and remained one hour and a half or two hours. She recognised us both, and was more alive in her mind than afterwards. She said she should like to see Sir Charles, and on being asked whether she ever wrote, said "No," this being the only rational answer which she gave the whole time. She interrupted the conversation by asking whether I had ever seen a sideboard with V.C. written on it, and on our leaving told me to be sure to send up from Edinburgh the book, glass jar, and new footman which I had ordered for her. I had not ordered such things. In half the cases of puerperal insanity the patients get well within a year; the chance of recovery then diminishes, and about a third remain permanently insane. In my opinion,

Lady Mordaunt is utterly insane, and time alone will show whether she is incurable or not.

In cross-examination, the witness expressed an opinion that the insanity had commenced before the confinement, as, when taken with premonitory symptoms while driving out, Lady Mordaunt drove home, changed her dress, and went out again, which no sane woman would have done. Three days after her confinement she spoke, he was informed, of figures running along the walls. He advised that she should be placed under proper treatment, but understood that her parents had been told by a lawyer at Leamington that her removal would be an admission of her guilt. He thought her statements were probably delusions, such things being a common form of delusion in puerperal insanity. Indeed, fifteen years ago, when he sent Dr. Priestley to see a patient suffering from it, she exclaimed as soon as she saw him, "There's the father of my child." (Laughter.)

Re-examined.—There were generally antecedent symptoms, especially insomnia and a deranged state of the bowels, and Lady Mordaunt had had no motion for six days, which would be a great predisposing cause.

By the *Court*.—Self-accusations of impropriety were a common symptom of puerperal insanity. The organ diseased gave a type to the insanity, so that with women suffering under such complaints the delusions would be more likely to be connected with sexual matters.

Dr. Gull.—I am a Fellow of the College of Physicians. In May, 1869, I was called on to see Lady Mordaunt, together with Dr. Priestley. I saw her again the next day, and several times afterwards, at Worthing and Bickley. I have been struck with the uniformity of her state at all my visits. She seemed to have no mental comprehension. I questioned her on all sorts of subjects, and even referred to her unfortunate position, but it made no impression on her. She rarely uttered two consecutive sentences. I once asked her what she could suggest should be done with reference to her unfortunate position. She said she thought a dose of castor oil would set it all right. I could see no delusions, nor even conceptions. At first she was languid, had a cold clammy hand, and a feeble pulse, with an absent expression. There was often a meaningless laugh. There has been no improvement in her state, and I think she is incapable of mind. I last saw her three weeks since. The symptoms I have seen might arise from any form of insanity.

In cross-examination the witness was shown several cheques drawn by Lady Mordaunt, which, with the exception of the two most recent (last December), were he said, reasonably drawn and correctly filled up. He had directed particular attention to the question of simulation, but could not arrive at an affirmative conclusion.

By the *Court*.—Much would depend on the circumstances under which the cheque were drawn. A suggestion to fill up a cheque would carry her mind in doing so. She was ready to do whatever was suggested to her, such as taking up an article and turning it upside down.

The strongest evidence against simulation was the uniformity of her condition and her incapacity to take in ideas. When addressed with the most searching questions her pulse and heart showed no agitation whatever. On being asked whether she would like her husband to visit her she gave an irrelevant answer.

Dr. George Burrows.—On the 10th of July I saw Lady Mordaunt at Worthing, with Dr. Reynolds, by request of Sir Charles Mordaunt's solicitor. I came to the conclusion she was quite unable to give advice or instructions to a legal adviser. Her external aspect was that of health, but she frequently changed colour, stared vacantly, and knit her brows, which were sometimes rigid. Messrs. Harris, Jones, and Orford were also present. She would only answer to repeated questions. I have heard the evidence, which confirms my opinion, especially as to her habits.

In cross-examination, the witness said that at first he was unable to form an opinion on the facts he had personally observed. Mr. Orford told him he had attended her in her confinement.

Re-examined.—My opinion is her mind has been progressively deteriorating, and that she is now in a state of dementia.

Dr. Russell Reynolds.—I am a Fellow of the Royal College of Physicians, and am Professor of Medicine at University College. I accompanied Dr. Burrows to Worthing, at the request of Sir C. Mordaunt's solicitor. I did not see Lady Mordaunt alone. She recognised Mr. Orford. I put several questions, but sometimes had to repeat them two or three times before she answered. She made a complaint of her teeth, and on my asking whether she had cut her wisdom teeth seemed a little amused. She often simply looked or smiled when questioned. I could not arrive at any conclusion. I have seen her since at Bickley several times, in accordance with an order from the Court that I should have access to her. At first I was doubtful to what to attribute her state, but I found that hysterical lethargy must be excluded, and that the cause was either extreme disease or extreme shamming, and after all I have seen I think it is the former. I tried to detect simulation, but never saw any break in her demeanour.

Cross-examined.—I saw her once put her fingers into some gravy, but I have not otherwise seen any act of uncleanness. At first I saw no evidence of fatuity. I discovered no delusion. When I asked her whether she really thought Sir Charles was only away fishing she made no answer.

By the Court.—It is an unusual case, and there are some points of contradiction in it, such as the amount of intelligence shown up to a certain point, coupled with the uncleanness, which is generally confined to extreme cases of dementia. She can play an air, and sometimes answers sensibly on common things, and can write letters. It was this inconsistency which for some time made me doubtful.

On the conclusion of this witness's examination the Court adjourned.

FEB. 17.—SECOND DAY.

[A T the opening of the Court this morning there was considerable private discussion, before the Judge took his seat, upon the probabilities of the trial coming to a premature termination. But any surmises of that kind were short-lived, for no sooner had the Jury answered to their names than the Counsel on both sides, during an application to the Judge as to the examination of a sick witness, made it plain that the case would be fought to the end. There was, indeed, an intimation that it would continue over to-morrow. As at the previous hearing, there were continual applications for admission throughout the day, which the arrangements of the Court rendered it necessary to negative. The circular gallery was again occupied, but more fully than before, by various members of the aristocracy, Sir Charles Mordaunt himself being amongst them. There were also three or four ladies. The general spectators were in all essential appearances the same as yesterday. The evidence, so long as it was a continuation of the medical testimony given by Dr. Priestley, Dr. Tuke, Sir James Simpson, Sir James Alderson, Dr. Gull, Dr. Reynolds, and Dr. Burrows, added very little to the facts elicited yesterday. The opinion of each witness—and the witnesses could not have been more positive—was that the respondent is insane, and that it is impossible she can be (to use the word frequently employed by Counsel) “shamming.” The medical men appeared to differ as to whether the rigidity of muscle, with attendant hysteria, from which her Ladyship suffers, is true catalepsy; but they agreed that these and other symptoms of insanity are unmistakable. It was a little singular

to hear the medical gentlemen, one after another, refer to the same nature of test as employed by them at their lengthy visits to the respondent. Writing letters or cheques, singing or playing on the piano, turning ornaments upside down, or removing objects from one place to another, and a game at whist, seemed to have been the crucial experiments by which they tested how far she could comprehend, and carry her thoughts from comprehension to action. The testimony advanced as to these matters was so similar that it lost the keenness of its interest, and occasioned more yawning and restlessness than is excusable at high noon in a Court which opens at eleven o'clock. A strong point insisted upon by the medical witnesses was the strange method which sometimes characterized the lady's madness, or, to put it in the phraseology of Dr. Wood, she was "wonderfully consistent in her inconsistency." Serjeant Ballantine infused a little life into the proceedings by cross-examining this gentleman upon the whist-playing experiment, at a time when the mental faculties of the people in Court were so dormant, that the asking of the witness, "Are you a whist-player?" was regarded as the quintessence of wit; and, judging from the open laughter that followed it, nothing could have been more funny than the simple question, "Did you ever revoke?" Soon after this the chief witness, Sir Thomas Moncreiffe, was put into the box. There was at once a settling down and bustle indicative of the highest anticipation on the part of the public. But their curiosity was barely gratified. The cross-examining Counsel was sustained by the Judge in a proposal to question Sir Thomas upon the respondent's self-accusations at the period of her confinement. When the question was asked, however, it turned out that her father knew but little of the matter at issue. The letter written by Lady Mordaunt in the autumn of last year, referring to Sir Charles's butler as getting

“cockey,” caused some laughter; and the document itself, apparently much blotted, was curiously scanned while it was being passed over to the Registrar. After Sir Thomas had been under examination about half an hour, the mid-day adjournment was taken, and fear of not being readmitted prevented any one leaving the Court during the interval. Sandwiches and flasks, and speculations as to what Sir Thomas would most likely say when he returned, were discussed together. On the resumption of the proceedings Sir Thomas Moncreiffe, to everybody’s surprise, was seen no more, and the trial was continued by Serjeant Ballantine’s speech for the petitioner. It was a very effective address, some portions of which kept the Court in deep silence. The learned Serjeant commented strongly upon the non-appearance of Lady Louisa Moncreiffe. There was intense silence when the marriage and married life of the Mordaunts were sketched, and the falling of a pin might have been heard while the learned Counsel entered into details of a most unpleasant character—not unpleasant enough, however, to induce a single one of the few ladies present to retire. Dr. Deane’s attempt to check any statements affecting persons whose names had not yet been mentioned again failed, the Judge clearly telling the Jury that he had no discretion whatever as against the learned Counsel’s legal right. Serjeant Ballantine’s assurance that no one would be more rejoiced than his client if the persons implicated could prove their innocence, elicited incipient applause. The most powerful portion of the address was a denunciation of the lady’s deceit in writing from the Palace Hotel to her “darling Charlie,” complaining how “horribly dull” she had been “all alone” during the evening, the alleged fact being that she had gone to the theatre with a gentleman, and supped with him at the hotel afterwards. There was no lack of amusement when the comfortable-looking monthly nurse gave evidence

against Lady Mordaunt. Apart from the serious nature of what she had to tell, hers was a homely plainness of speech that to some extent justified the titterings of the thoughtless. There was no yawning now, when each moment promised to bring some fresh sensation. Lady Mordaunt's description of her own baby, and her assertion that if her husband found everything out there would be "a great row," were told by the witness in a tone that bordered on the virtuously indignant. She acted upon the principle of finishing her answers off at once, which, when these answers assumed the form of a series of long sentences, proved somewhat inconvenient to the Judge. His Lordship venturing upon a hint to that effect, the worthy nurse boldly confronted him, and said that if she could not finish her remarks without dividing them, she was "put out." The extraordinary statement subsequently made by this witness respecting the proposed disposal of the child, and her conversations with Lady Mordaunt, created great excitement. After the cross-examination, which she stood bravely, the Court adjourned.]

THE trial of the issue whether the respondent, Lady Mordaunt, is of sound mind and able to plead, was resumed. The Court was again crowded in every part.

Mr. Serjeant Ballantine, Dr. Spinks, Q.C., and Mr. Inderwick appeared for the petitioner; Dr. Deane, Q.C., Mr. Archibald, and Mr. Searle for Sir T. Moncreiffe, the father and the guardian *ad litem* of Lady Mordaunt; Sir J. Karslake, Q.C., Mr. Lord, and Mr. Jeune watched the case on behalf of the co-respondents.

Mr. William Harris was the first witness called this morning. He said,—I am a surgeon practising at Worthing. On the 22nd of May I was called in to attend Lady Mordaunt, and visited her about twice a week while she remained at Worthing. I could not get her to converse. I agree with the evidence given yesterday as to the state of her mind.

Cross-examined.—I have no doubt she is suffering from puerperal mania, a disease which I think could not be mistaken at the time it appears. Such patients are often delirious and violent, and sometimes have delusions. I should attach little importance to statements made in such a condition. Pain and heat in the head, constipation, muttering, a feverish pulse, and white tongue are symptoms of the disease.

Re-examined.—The symptoms vary a good deal at different times and with different people.

Mr. Hughes Spencer Hughes, surgeon, of Bromley, said,—I was called in to attend Lady Mordaunt on the 25th of August, at Bickley, and am still in attendance. I have visited her more than fifty times, often for hours at a time. I consider that she has no mind. She is utterly unable to converse, and she has no memory. I was informed from time to time by the attendants of things spoken to yesterday, but have myself seen nothing indelicate. At dinner she is most capricious, sometimes not eating at all, and at others eating ravenously. The acts described yesterday are such as I heard from time to time, only I heard worse still, and they are such as I should expect from a person in Lady Mordaunt's state. She has become unmistakably worse, and requires to be constantly watched. Her physical condition has improved, which appears to me inconsistent with simulation. The effort involved in shamming would affect her bodily condition unfavourably. Whatever subject I have touched on it has made no impression upon her.

Cross-examined.—The witness said he had no doubt of the disease being puerperal mania. He had asked whether anything was on her mind. On suffering recently from pain in the face, caused by the stopping of a decayed tooth, she said, "It is nothing; it is baby cutting her eye tooth." She ate much, but seemed to have strong powers of digestion. When excited he treated her with bromide of potassium, but usually she was passive.

By the Court.—Her demeanour was very uncertain. A happy frame of mind, he thought, prevailed. He had seen her face a perfect blank frequently.

Dr. Wm. Wood.—On the 5th of August I was named referee by the Court, with Drs. Gull and Reynolds, and have seen Lady Mordaunt five times.

Dr. Deane proposed to put the witness's report in evidence, Dr. Wood having been appointed by the Court; but his *Lordship* explained that he had simply named him, having heard him give evidence in other cases, and knowing him to be a most competent person; and Mr. Serjeant Ballantine objected to the report being put in.

Examination resumed.—The first visit was on the 18th of September, at Page Heath, near Bromley, with Mr. Hughes. She came down dressed as if for a walk. I had never seen her before. On Mr. Hughes introducing me, she said, somewhat sharply, "I am very well," as if there was no occasion for my visit. I asked how long she had been there, and she at last said, "I don't know exactly." On pressing her, I could not get any intelligent answer. I felt her pulse, and found it very weak, suggestive of a feeble circulation. Her hand was cold and clammy; also her feet. I got replies with difficulty as to her health. I asked her to sing a song, and I selected a song from a pile of music. She played imperfectly, but after correcting her mistakes started fairly with the song, which was "Strangers yet." It was manifestly applicable to her position, and after singing the first verse she burst into

tears. I pressed her to continue, and she did so, though her tears were falling so. She broke down again. On my asking what distressed her, she said, "Oh, it's all nonsense, hysterical." She began again, but her feelings quite overcame her. I pressed her again, however, and she continued. She obeyed unhesitatingly anything I told her to do, however unmeaning. To test her submission further I told her to take an ornament off the mantelpiece. She complied, and held it in different positions, and turned it upside down, and replaced it as I ordered. This seemed to me conclusive as to her imbecility, for she showed no irritation or impatience at being made such a fool of. She expressed a wish to see the child, and asked me spontaneously whether I could let it come. On her showing levity I told her it was a serious matter, and that I hoped she would treat it seriously, as I had come to get at the truth, and she could not deceive me. I did not "attack her somewhat roughly," as I have seen it stated. My next visit was on the 23rd of September. She was standing like a statue, looking very blankly. On being roused a little, she answered briefly, but sensibly. Her attitude was such as occurs in catalepsy, but I do not think it was true catalepsy. I never got a long sentence from her, and, if prompt, her answers were very short. I produced some money, and asked her to name the coins. She tried to give the amount of several coins, such as two half-crowns and two florins, but she could not give a correct answer. I varied the experiment, but she always failed. She asked me to give her some money. I suggested her writing a cheque if she wanted some. She assented, and a piece of paper being put before her, she wrote something without putting in the name of a banker. On this being pointed out, she wrote "Greenway and Co." in the corner, and on my suggestion that this was still insufficient she wrote a note to that firm. She at first wrote "Fir Grove," but on my asking where it was she erased it and substituted "Page Heath." On my asking who Greenway and Co. were, she directed an envelope to "H. Greenway, Esq., Warwick." She told me, in reply to questions, to cash the cheque, and I agreed to give her 5*l.* for it. She said this in her ordinary tone. Before leaving I referred to the cheque, and just before I left she reminded me of my promise to give her 5*l.* for it. On the 26th of September I went again, Mr. and Mrs. Herbert Murray being there, and I dined with them. Lady Mordaunt sat at the head of the table, and began helping the soup, but stopped after helping two of us, and the servant completed it. She would suddenly cease eating, and after dinner she seemed to listen to the conversation, and now and then burst into a laugh which was not altogether inappropriate, but she did not join in the conversation. On the 30th of September she appeared more lost than previously. I referred to her visits to London and the Crystal Palace, she having recently been there, but she would answer no questions upon it, and for the first time showed some impatience. Anything mechanical that was suggested to her she would do, but she was incapable of anything requiring reflection. I referred again to money, but she seemed to have no recollection of the previous transaction as to the cheque. I proposed to her to give me a

cheque, having arranged that a cheque-book should be brought in. On my suggestion she asked the butler to bring it, and it was put before her. She filled one up in the usual way, drawing it on herself, the amount (30*l*.) being suggested to her. I suggested that it required endorsing, but she only added two letters, and on my telling her this was insufficient she inserted her initials. I had to tell her how to endorse it, and she did so. At first she omitted the date, and afterwards wrote 1868 instead of 1869. [The date of the cheque here reminded the witness that this occurred on the 26th.] I asked what I should give her for it. She replied, "Half-a-crown," and I gave her one. She stated, in reply to my questions, that she was quite satisfied that was the value of the cheque. She said she would buy wool with the half-crown. I next went on the 25th of October, having requested Miss Kiddle not to let her know I was coming. At first she did not speak to me, but on my reminding her of the omission she smiled and offered me her left hand. She seemed slightly better. The child was staying there, and on my mentioning it she went to fetch it, but returned without it, and made no further allusion to it. After a time the nurse brought it. She looked at it, but did not take it. I played whist with her. She would suddenly come to a stop, but played tolerably well, though she made several mistakes, which, on their being pointed out, she apologized for and corrected. I was struck with her uniform conduct and action on all my visits. Her mind seemed almost a blank. She could be roused up to a certain point of rational thought and action, and would promptly obey the promptings of a stronger mind. I have no doubt she would draw cheques correctly if directed, but she was incapable of reflection. She appears to have a feeble circulation, and is naturally not robust, though rather florid.

Cross-examined.—The witness said he thought Lady Mordaunt could not have spontaneously drawn cheques correctly. He should think it improbable for her to draw cheques without being roused, but if she had done so that would not shake his opinion. She "revoked" at whist in a way no sane person would have done. He had himself sometimes revoked. [Mr. Serjeant Ballantine remarked, amid laughter, that he hoped this was not an indication of insanity.] I did not take any single circumstance as proof of insanity. Her bursting into tears at the song was, as far as it went, an indication of insanity, and, therefore, inconsistent with the theory of shamming. It was her docility in the matter which was most remarkable.

By the *Court*.—I have had much experience of insanity, and am one of the physicians at St. Luke's. A case of puerperal insanity recently occurred there very similar to Lady Mordaunt's, and I have seen repeated instances, though such a state is not of common occurrence. It is not true dementia, but is an arrest of mental powers, which is not strictly imbecility or dementia. It is impossible that any human being should have carried out a system of deception such as that suggested by the petitioner. Lady Mordaunt's conduct was invariably consistent, whereas the most practised artist would have been betrayed into tripping. Simulation would have been betrayed

by inconsistencies. I am disposed to agree with Mr. Hughes, that her having gained flesh is evidence of a tranquil state of mind, and is incompatible with consciousness of her position or with efforts to deceive. Puerperal insanity may occur during pregnancy, at confinement, or during lactation. It is possible that Lady Mordaunt, though suffering from it now, was sane at the time of and after her confinement. In the majority of cases puerperal insanity is more or less progressive.

Sir Thomas Moncreiffe.—I am the father of Lady Mordaunt. On the 10th of May I saw her alone at Walton. I found her in the luncheon-room. I stayed all night, and left the next afternoon. I was with her most of the time. I have often attempted to converse with her without succeeding; sometimes she answered questions briefly, sometimes not at all, and sometimes did not seem to understand them. She often seemed indifferent to my visits; and when I asked whether she wished to see her mother or sisters, would sometimes reply in the affirmative, at others in the negative, and at others seemed indifferent. On the 15th of May I removed her. She went away comfortably with her sister, Mrs. Forbes, but did not seem to understand the import of her remarks. She was a little hysterical at one time, and the noise at the terminus seemed to frighten her. After staying a few days at Belgrave-square she was taken to Worthing, and afterwards to Bickley. I frequently visited her. At times she showed gleams of understanding, but usually appeared imbecile. On the 9th of February she appeared in the same mental state, but her bodily health has improved. Dr. Gull recommended Worthing as a quiet place, and said her mind required rest.

Cross-examined.—Lady Louisa Moncreiffe went to Walton the second day after her daughter's confinement, and after leaving went again. I heard from Lady Louisa and Mrs. Forbes of statements made by Lady Mordaunt; also partially from Sir Charles I heard that Lady Mordaunt had told her mother that the child was not Sir Charles's. She also said it was not hers; indeed, she made all kinds of statements. I think she told me Lady Mordaunt had told her the child was not her husband's, and that she had mentioned a gentleman as the father. The witness was here questioned respecting a letter written by Lady Mordaunt on the 9th of October, 1869, to her mother, and the production of which had been called for by the other side. It was accordingly produced and read, being as follows:—

"October 8.

"MY DEAR MOTHER,—I am at last able to write a line to tell you that I am at liberty to write to you, and say I am quite well. Bird has taken a journey home to-day; has become very cockey of late. I hope Bunchey was not any the worse for her visit. She seemed in good spirits, but did not divulge much home news. I should be much surprised at a frost if it came. Good-by.

"Yours affectionately,

"H. MORDAUNT."

"Bunchey" means my daughter Blanche, and Bird is Sir C. Mordaunt's

butler. Blanche had been on a visit to her sister for a month. Lady Louisa is in town. Mrs. Forbes was confined about three weeks ago, and cannot yet leave the house.

This closed the case on the part of Lady Mordaunt's guardians.

Mr. Serjeant *Ballantine* then opened the case on the other side. After remarking on the gravity and novelty of the case, and on the compassion which could not but be felt for a lady, whether culpable or innocent, of whom such harrowing details had been told, he remarked that, on the other hand, there were heavy interests at stake. Sir C. Mordaunt was a man of honourable name, belonged to an honourable family, had represented his county in Parliament, and was looked up to with respect by all acquainted with him; and this inquiry was an attempt, by precluding an investigation, to embitter his whole life, by binding him to a woman whom he believed to be unfaithful, and requiring him to recognise a child which he believed not to be his own. After complimenting Dr. Deane on the moderation of his opening address, and promising that he would endeavour to imitate it by causing as little pain as possible to all parties, the learned counsel combated the alleged analogy of this case to an inquiry into the sanity of an accused murderer, urging that the question was whether Sir C. Mordaunt, complaining of a grievous injury, should be deprived of his proper remedy. Turning to the evidence of the attendants, he contended that it was extremely suspicious, owing to their manner or their dependence on the Moncreiffe family, and that it did not tally with the testimony of the professional witnesses, for not one of the latter had seen acts of uncleanness or indelicacy. Now, a lunatic would be no respecter of persons, whereas a person simulating insanity would shrink from such conduct before her equals. After commenting on the fact that Lady Louisa and Miss Blanche Moncreiffe, who saw so much of Lady Mordaunt, had not been called by the other side, and drawing the inference that at the time of her confessions they believed her to be perfectly sane, the learned counsel reminded the jury that a capacity for reasoning on a particular point or for connected conversation was not required, but it would be sufficient if she could tell her parents what her case was, and he maintained that at an early period of the affair Lady Mordaunt was quite competent to give them such information. As to the certificate of the three physicians that she was suffering from puerperal insanity attended with delusions, he insisted that this was, to a great degree, based on the assumption that her statements were devoid of any foundation, adding that some of the medical gentlemen had hesitated much before offering any opinion. With regard to her emotion on singing a song applicable to her own position, he construed it as an ineffectual attempt to sustain a demeanour which regard for her good name and her family had induced her to assume; while her mistakes at whist and her inability to carry on continuous conversation were quite consistent with sanity. Proceeding to open his own case, the learned counsel stated that Sir C. Mordaunt was thirty-two or thirty-three years of

age, Lady Mordaunt at the time of the marriage being nineteen or twenty, and possessing great personal attractions. Her parents quite approved the match, the settlement was a very liberal one, and until these unhappy occurrences burst upon him Sir Charles believed his wife's virtue to be unspotted. Hysteria not uncommonly afflicted her, and she had two miscarriages. In June, 1868, Sir Charles resolved to spend a few weeks in Norway, fishing, and was anxious for his wife to accompany him, but she refused to do so.

Dr. *Deane* here interposed, and strongly objected to these matters being introduced into the case. He was quite willing to admit that Lady Mordaunt had made statements which, if true, were inconsistent with innocence, or to take any course which would prevent the main issue being touched upon. He wished to make the objection, once for all, so as to make it unnecessary to repeat it, and hoped his Lordship would see the great injustice which would be done to other persons, as well as to the question before the jury, by the course his learned friend proposed to take.

Mr. Serjeant *Ballantine* remarked that his Lordship was already informed of the grounds on which he thought himself entitled to go on with this evidence. He proposed to prove the statements made by Lady Mordaunt, and to prove that they were substantially true, in order to satisfy the jury that up to a certain point, extremely near a very important date in this case, she was perfectly sane. If his Lordship held this to be inadmissible, he should personally be relieved of a painful duty; but, after the calmest consideration, he felt it absolutely necessary to tender this evidence.

Lord *Penzance*.—I think I cannot interfere to prevent Serjeant Ballantine from taking the course which he proposes. Dr. Deane urges that it will introduce very painful matters concerning third persons. Now, that is a good reason why the Court should be unwilling that they should be introduced, and very unwilling it is; but it is not a legal ground on which I can reject the species of evidence tendered on the part of Sir C. Mordaunt. Another objection is, that it will be trying inferentially the questions which may afterwards have to be tried directly; but that, again, is not a legal ground, for it often happens that there arises in one suit a matter which is introduced for indirect purposes in that suit, but which may, nevertheless, form the subject of another suit where it arises directly. These two grounds, therefore, take no legal form; the only legal question is, whether these matters are material. Now, it is difficult at any time to say at the outset of the case for the petitioner what may turn out to be material, and I should have had more difficulty than I now feel if I had not read the large mass of affidavits filed for collateral purposes, which have laid before the Court the nature of these statements. It is said that these appearances which Lady Mordaunt has presented since the 30th of April are appearances voluntarily assumed; and to establish that it is proposed to show that at the time of her confinement she made certain statements, which are said to have been reasonable in themselves and true in point of fact,

and which were derogatory to, or perhaps destructive of, her character as a married woman. Now, it would be trying the case in the dark if I were to say "You shall not tell the jury what Lady Mordaunt said, and what occurred at the time of her confinement. They shall judge whether she is sane or insane without knowing the motives that may have induced her to put on a certain appearance, and shall consider it as a dry question, wholly dissociated from the facts of the case which are relied upon by Sir C. Mordaunt as proving that her insanity is nothing but feigned, to afford her a retreat from the statements she had previously made." In common sense and justice, I cannot refuse to allow these matters to be gone into. If I had any discretion or option, I should have been glad that they should not have been gone into.

Mr. Serjeant *Ballantine* accordingly proceeded to say he would enter, although unwillingly, into the matters he had proposed, but endeavouring at the same time to define them clearly, so that there might be no false inference with regard to the persons implicated. First, he proposed to show certain statements which had been made by Lady Mordaunt, subsequently the truth of those statements, and then, from the proved truth of those statements, he would infer her perfect sanity at the time she made them. There might appear to be some hardship in going into matters which concerned parties who were not on the record, but then they were competent witnesses, and might be called by his learned friend on the other side. Society generally would be glad if these persons could clear themselves of the imputations cast upon them, and no one would be more delighted than Sir Charles Mordaunt. The keystone of the inquiry would be the statements made by Lady Mordaunt to the nurse who attended her during her confinement, to her husband, to the wife of the rector, to her mother, and other persons. At one or two interviews with her husband Lady Mordaunt had made statements which he at first looked upon as the effect of some strange delusion, and which he, therefore, disregarded, until, by repetition, and the apparent confirmation of circumstances, the belief was at length forced upon him in all its crushing weight. It had been a marriage of deep and devoted affection, which, on his part, had never known any diminution. For three or four days he, although very anxious about her state, left her, and when he next saw her she was perfectly well, although much distressed. She then proceeded to make a statement to him, which he would read in the very words used by her. [Here Lord Penzance suggested that until the witnesses were called it would be better not to mention names. The parties might be indicated by letters of the alphabet.] Concurring in the propriety of this suggestion, the learned Serjeant went on to say that on March 8th, after her confinement, she sent a message by the nurse to her husband, expressing a wish to see him. When he entered the room, she burst into tears, and said, "Charlie, I have been very wicked; I have done very wrong." He asked her who with? She replied, "With A. and B. and C., and with others, and in open day." Taking into consideration what she said on other occa-

sions, there was a material distinction to be observed between the first three and the fourth person mentioned. The words were, "I have been very wicked and done very wrong." These words "done very wrong," might imply great impropriety without actual criminality. He would show that they were perfectly true as regarded her conduct with that gentleman. Her husband had objected to her keeping up an acquaintance with him, and he had no knowledge whatever that she continued that acquaintance. He should produce a number of letters from the gentleman himself, not indicating actual crime, but showing that improper correspondence was kept up, and he should prove appointments and interviews without the husband's knowledge. "Very wrong" was the term exactly applicable to such a course of conduct, and he sincerely hoped and trusted that the jury would be able to come to the conclusion that no further imputation rested either upon the gentleman or upon Lady Mordaunt. The next person to whom he proposed to call attention had been made a party to the suit—he meant Lord Cole. It would be sufficient to say that either in that or a subsequent conversation she imputed to Lord Cole the paternity of the child, and he would show that they were together under circumstances which gave them abundant opportunity for committing adultery. Lord Cole would be shown to have stayed in the same house with her until the very day her husband was expected to return, and then to have left. Another piece of very extraordinary evidence was in the handwriting of the young lady. In her diary of 1869 was an entry as follows:—"3rd April—280 days from the 27th June." That was exactly the day on which Lord Cole had last seen her, and it would be proved that he was on that occasion alone with her until 1 o'clock in the morning, and Sir Charles did not return until the 15th of July. It would be for the jury to decide, when they had heard the whole case, whether or not she had measured the time from Lord Cole's visit, and whether this entry could have relation to any other person. With regard to Sir Frederick Johnstone, there was no doubt that she was with him in November, and under circumstances which tended to confirm the truth of her statement. Another person, who was not a co-respondent, but whose name had been mentioned by her, would be proved to have had full opportunity of committing adultery with her. They had supped together at an hotel in London, and the hotel bills, which were in her possession, would be produced. His case was that, overcome by remorse, and repenting of her sin, she had told the truth to her husband. He submitted that the letter of the 8th of November, 1869, was not consistent with the theory of insanity. That letter had been left by her in an open envelope, and copied by the woman who had the care of her before it was posted to Lady Louisa. She had also written cheques under no restraint or dictation, which would be produced. The medical men who attended her in her confinement would say that she had never had the slightest trace of puerperal mania. In conclusion, the learned Serjeant said that if Sir Charles could feel convinced that his wife was pure, virtuous, and innocent, he would hold out his arms to receive her, but feeling convinced that she had dishonoured him he was bound to take these proceedings.

The following evidence was called :—

Elizabeth Hancock.—On the night of the 27th of February I was sent for to attend Lady Mordaunt as nurse. She was confined on the following afternoon. I took charge of the baby. The child was very small, and weighed scarcely 3½lb. I should say it was nearer an eight than a seven months' child. I sat up with her. Before she went to sleep she said, "I want to ask one question, Is the child diseased?" I said, "My lady, you must mean deformed." She said, "No, you know what I mean. Is it born with the complaint?" I said, "No, I don't see anything the matter with it, except that it is very tiny." She went to sleep. There was no excitement about her. She was very comfortable during the day. At night she spoke again to me. She said, "Now, are you sure there is no disease? Did Mrs. Cadogan or Mrs. Caborn see anything of it?" I said there was nothing more to see than in a common birth. Mrs. Cadogan is the vicar's wife. Mrs. Caborn was the housekeeper. I said, "It looks nearly an eight months' child, although you told me it was seven months." "How do you know?" she said. I gave her my reasons. I slept in her room that night. She went to sleep and was very comfortable, not at all excited. Mrs. Forbes, her sister, came on the Monday. On the Tuesday evening Lady Mordaunt talked a good deal on the same subject. I begged her to be quiet, telling her it would make her ill. She said, "If you don't let me talk, I shall go mad. I have something I must say, and I will tell it you to-night." I asked her if I should fetch Sir Charles and let her tell him. She said, "Not to-night. I will tell him another time." She then said, "This child is not Sir Charles's at all, but Lord Cole's." I said, "For goodness' sake be quiet, and say no more." She said, "It took place the last week in June. When Sir Charles was in Norway Lord Cole visited me, in the very last week in June." I said, "It is almost an impossibility for you to say it was the last week in June." She said, "I do know it is Lord Cole's." She was then quiet for the night. On Friday, the 5th, she spoke to me; Lady Louisa was there then, and remained till Saturday. The baby's eyes began to be bad on the Wednesday. Lady Louisa said she was afraid the child would be blind. Lady Mordaunt said she should like to have the child baptized. She said to me on the Friday, "I know Sir Frederick Johnstone is a fearfully diseased man." She first mentioned his name in reference to the disease. She asked why I did not tell her the child was likely to be blind. I said I thought it could be cured. She said to me, "From the child's eyes being bad I must do something." Lady Louisa was not present. Mr. Solomons, the oculist, came and examined the child. Mr. Orford was also present. On the Saturday after Lady Louisa left I sent for Sir Charles, and he came to her bedroom. I left them together. After he had left I again went up to her room. I asked whether she had told Sir Charles. She said that she could not tell him; that she had tried to do so, but the words seemed as though they would choke her. On the next day (Sunday) Lady Mordaunt said she meant to nurse the baby. She

pretended to nurse the child before Sir Charles, but not at other times. She did not really nurse it. She asked me to let no one see the child, as it was not fit to be seen. She said, "I am sorry I have brought such a poor, miserable, little, horrid thing into the house." There was no wet nurse for the first few days. On the evening of Sunday Sir Charles went up to see her and I left the room. When I returned she was excited. She said, "I have not been able to say much, but the time is come when he must know, and I must and will tell him. On Monday, the 8th, she was rather poorly. Towards seven o'clock she got excited and asked me to fetch Sir Charles upstairs. He came up. On the Tuesday evening I was in the room with her and Sir Charles. She took hold of my hand and said, "Charlie, this child is not yours at all. I have been very wicked and done very wrong with more than one person." I slipped my hand out of hers and left the room. She told him in my presence that it was Lord Cole's child. He said, "Nonsense, nonsense." After Sir Charles left she told me what she had told Sir Charles. On the morning of Saturday, the 13th, Sir Charles was with her. They were together some time. On leaving the room Sir Charles said to me, "Why, nurse, her ladyship tells me just the same as before. What am I to believe?" When I went into her room she said, "I made him understand at last." I said, "Suppose he makes inquiries?" She said, "Why, there will be an awful row." I said, "Whatever you do, speak to him again; don't let him go further if you can stop him." She said, "I shall humble myself to no man." On the Friday evening I suggested to her that I should ask Lady Louisa to stay a few days longer if she was going to be ill. I said, "May I give her a hint to stay a few days longer?" She said, "No; let her go by all means; I am better without her." I said, "What do you intend to do?" She said, "I have not made up my mind just yet." At two o'clock in the morning she awoke, and she said, "I can see it all quite plain now; I have quite made up my mind as to what I shall do. I am going to be poorly, or something else. Sir Charles and my father will make it all right, and I shall go abroad as soon as I can get away." She cried sometimes when she looked at the baby's eyes." On the 17th Lady Louisa came and Mrs. Forbes on the 18th. They conversed in Lady Mordaunt's presence. Lady Mordaunt agreed that I should take the child and bring it up as my own, under Lady Louisa. I was to have so much a year. I was to teach it to work for its living, and when it was old enough it was to be told it was an "unfortunate." No one was present but Lady Mordaunt, Lady Louisa, and myself. Sir Thomas Moncreiffe did not come until the 20th. After he left, Lady Louisa and Lady Mordaunt said the agreement about the child would not be carried out, and Sir Charles Mordaunt would be compelled to support it. Lady Louisa remained there till Wednesday, the 24th. Lady Mordaunt wrote out one or two copies of the agreement. On one occasion she asked me if I could see her way clear through this affair, and how she ought to get out of it. I said, "You will not get out of it; there will be a divorce, and you will no longer be Lady

Mordaunt." On the 26th I went out with her for a drive. She was very cheerful and comfortable. She was perfectly sensible. I left on the 27th of March. I had not observed the least appearance of insanity. She put on an irritated, hysterical manner before Sir Charles each time he came into the room.

Cross-examined.—She always appeared excited before Sir Charles. I never saw her before I was called in to attend her. She spoke freely to me at intervals during the day on the 1st, 2nd, and 3rd of March. I am quite sure she made use of the expression, the "complaint." The witness was then cross-examined as to Lady Mordaunt's bodily condition after the confinement, but her recollection was uncertain. She said that her ladyship only attempted to suckle the child when Sir Charles and Mr. Orford were present; and, on being cautioned by the Court to be careful in her answers, she at last asserted that her ladyship never suckled the child. She relieved her ladyship by the usual means, and Mr. Orford knew it. Lady Mordaunt refused to have the child when Mr. Orford and Sir Charles were not present. Lady Mordaunt had told them that she intended nursing the child; and I considered it not very straightforward on her part to refuse to do it when they were not present; and it put me in an awkward position. She used to tell me to bring the child into the room five minutes before Sir Charles came, and to ask me to say she had been nursing it. When I brought it she put her hands to her eyes, and said, "Horrid little thing; I can't bear it to touch me." On the 1st of March she again used the word "complaint." I am quite sure of that. The two words, "complaint" and "disease," were used at the same time. When I made my affidavit I did not mention the word "complaint." She was not getting excited on the 2nd of March. She was at all times perfectly collected and sensible with me, and generally very cheerful. On Saturday, the 10th, before Lady Louisa came into her room, she went into hysterics, and was in that state when Lady Louisa came. I don't know whether these hysterics were real or not. She never used the slightest reserve with me. I never asked her a single question about her conduct. She showed no particular excitement when I mentioned the Divorce Court. Of course, she was a little embarrassed when the subject was spoken of. She asked me to give her a dose of laudanum if Sir Charles exposed her. I once went into her room and found her looking for laudanum. She afterwards asked me to give some laudanum to her or the child. I think this was on Saturday, the 13th or 14th. On the 7th she asked me to give the child laudanum before Solomons saw it. I removed the laudanum, and locked it up, as I was afraid she might take it. After the interview on the 13th Sir Charles said to me, "I find her much better this morning—she is quite herself, still she says the same things to me." On the same day she wished to take a cold bath. She said, "I will do anything rather than be exposed to the world—a cold bath, or anything." She was rather excited, because Sir Charles had then realized what she had said. She begged me to give her laudanum more than once. Mrs. Caborn was a good deal with her.

She has said to Sir Charles, "Charlie, you are not the father of the child; it is Lord Cole's, and I am the cause of its blindness." She spoke these words in this order. I begged her to send for Sir Charles and to make it as light as she could to him. She said she would not humble herself to any man. The child was sent back to me in July, at my own house. I have it with me now. On the 9th of October, 1869, I went with the child to Bickley, and stayed till the 3rd or 4th of November, 1869. When I went, she looked me honestly in the face, and said, "Well, nurse, how do you do?" She looked at the child, and seemed satisfied with it, but never kissed it. She was quite calm and collected with me, and seemed perfectly well. I saw her frequently during the whole time. She would talk quietly with me about the baby, and Walton, and other subjects. She offered me a cheque once, but did not write it out. I never left the child alone with her. I could not do so with propriety, in consequence of what she had said to me about getting rid of it. I told Dr. Reynolds and Dr. Gull and Dr. Wood that she conversed with me as if she was in her right senses. I told Dr. Wood that at times she appeared not to be herself. I dare say I told him I believed she would kill the child.

Re-examined.—Lady Louisa had said to Lady Mordaunt that it would most likely come to a divorce.

To the *Court*.—When she had the conversation with me which I have stated, at two in the morning, I understood her to mean that she hoped to make it up with Sir Charles. She hoped Sir Charles would forgive her if she was poorly, that he would "take it better" if she was ill. Her meaning, I thought, was to pretend to be worse than she really was, in order to soften his heart. There was no appearance of "putting on" until the hysteria.

Lord *Penzance*.—But that was not in Sir Charles's presence.

The Witness.—Perhaps you don't understand me.

Lord *Penzance*.—I do not.

The Witness.—I understood her to mean that by being hysterical, and pretending to be ill, Sir Charles's heart might be softened towards her. I thought she did not intend to make him disbelieve her statements, but to induce him to take a lenient view of her offence.

The Court adjourned at the close of this witness's evidence.

FEB. 18.—THIRD DAY.

[THE public excitement increases daily. It was manifested to-day in an earlier siege of the Court, in larger crowds at the doors, in harder work for the police, both within and without, in closer packing wherever people could be fairly accommodated in the Court, and in more determined efforts by the patient throng in Westminster Hall to learn from everybody who came out what had been revealed. Fortunately for the comfort of those inside there was no relaxation of the admirable regulations which makes this, the smallest and not the most convenient of our Courts, the least mobbed. Every now and then when the doors were opened for a moment the chorus of remonstrances and appeals from the struggling outsiders made the more fortunate inmates gratefully alive to the soundness of the exclusive principle upon which the Court is conducted. The evidence of Mrs. Cadogan was given in a manner little short of perfection, and the cross-examination, involving various questions as to a legacy which had been left her, but disputed afterwards, made no difference in her self-possession.

The Rev. Mr. Cadogan, her husband, was not so satisfactory a witness, his evident nervousness shaping his answers into mere monosyllables. Towards the termination of his evidence he expressed a wish to make a voluntary statement, but the suggestion was discouraged by Lord Penzance. At this point a proposal to read the affidavit of a witness who was too ill to attend was objected to by Dr. Deane, on the ground that, as the trial was likely to last some days, he might yet have an opportunity of cross-examining the individual alluded to. The Dowager Lady Mordaunt was only heard with much effort.

Her lowness of tone in narrating the last interview she had with her daughter-in-law drew from Serjeant Ballantine first an apology, and then a request that she would withdraw the hand on which her chin leaned. The lengthy and minute details of that farewell visit, entered into with the view of showing Lady Mordaunt's sanity, were given with singular conciseness. The leading Counsel were absent from Court during her cross-examination; and when Mr. Archibald's few questions were at an end, there was a temporary stoppage, which gave the Judge an opportunity of saying that the case was making but little headway. Serjeant Ballantine having been sent for, Sir Charles Mordaunt was summoned. His entrance was the signal for considerable movement amidst the back-row spectators to see the chief personage in the cause. The young baronet answered the questions put to him in under-tones, and seemed but indistinctly to hear what was asked him. The interest shown when the names of Lord Cole, Sir F. Johnstone, and the Prince of Wales were brought forward was quite feverish, and became almost uncontrollable when the packet of letters, announced to be the Prince's, with some dried flowers, and a "valentine," were transferred to the Judge. The valentine, as Sir Charles termed it, was an ordinary-sized perfumed sachet. The Judge had some little difficulty in getting Sir Charles to say whether the flowers and sachet were found in the same envelope as that containing the Prince's letters; but the witness perceived eventually what his Lordship wished to know, and answered promptly. One or two of the letters presented to the Judge as written by the Prince of Wales were upon black-edged paper. The production of these silent witnesses necessitated a brief interlude. Sir Charles, who had assisted the Judge in arranging the letters, then resumed his leaning attitude on the resting-board, and continued his evidence with a degree of inaudibility that

severely tried everybody's hearing powers. The difficulty was not diminished by his slowness of speech, and his habit of repeating his words with a distinct pause between each. There was further a hesitation on his part in giving replies, and a using of such qualifications as "I think," "I did not hear that it was so," &c., which occasionally obtained an interference from the Bench before the plain "Yes" or "No" came. The letters, together with some hotel-bills, which were referred to by Counsel and placed in the keeping of the Court, were not read, nor was the nature of their contents indicated. The isolated instance of laughter heard in Court during the day followed Sir Charles's description of hysterics: "When men cry that is not hysteria; when women cry it is"—a quaint conception, at which it was hard not to smile. Serjeant Ballantine seemed to be much surprised when Lord Penzance referred to the intimation he had received that the Prince of Wales was subpœnaed on Sir Charles Mordaunt's side. The Judge explained that some preparation would have to be made for his Royal Highness's reception, and the assurance of the Prince's readiness to appear whenever called upon was received with a buzz of gratification. Dr. Solomon was to have been the next witness; but the Court adjourned when Sir Charles left the box. The number of distinguished visitors in the gallery was double that of the previous days. Other witnesses are to be examined to-morrow, and then, according to rule, the trial, if unfinished, will stand over till Wednesday.]

ON the hearing of the case being resumed, the first witness was Mrs. Cadogan, who was examined by Mr. *Inderwick*. She said—My husband is the incumbent of Walton, and has been so for ten years. He was a college friend of Sir C. Mordaunt, and we have been on intimate terms with him and Lady Mordaunt. I remember Lady Mordaunt calling the day before her confinement, in February. She was driving in a pony phaeton. At seven o'clock on Saturday night, February 27, I received a note stating that her symptoms had

come on, that she had nothing provided, and I was asked to lend her whatever was necessary. The confinement was expected to take place in London, and the child's things were there. I was present at the confinement, but not for five hours before, because Dr. Priestley said that it was not necessary; that Lady Mordaunt was going to have chloroform. The pains came on at twelve, and the child was born at half-past five o'clock in the morning; the confinement was a very favourable one. I afterwards saw Lady Mordaunt several times between the 28th of February and the 14th of April. I thought she got through her confinement very well at first. I may have seen her five times the first week. I was not long with her at a time. She had to be kept quiet, and her sister came and was more with her than I was. I saw her on Monday and Tuesday, and was with her all day on the Saturday. I had a conversation with her. She seemed distressed about the child's eyes. That was the first time I noticed anything amiss with the child, and I thought it was the draught, and noticed it to the nurse. On Friday I remarked to Lady Mordaunt that the child had a cold in its eyes, and she said, "Baby is very bad." I did not enlarge upon it; but she seemed distressed. I had no conversation with her on any other matter that day. On Saturday I went about eleven, and left about four o'clock. She seemed not quite so well, and was depressed. Up to that time her health had been good. She appeared quite sensible on Saturday, and had been so all the time. Up to Saturday I had not the slightest reason to suppose she was not sane. When I went into the room she said she was not quite so well; that the doctor was coming from Birmingham to see the child's eyes; and that there was a lady in the next room with her mother and the nurse, talking about them. I read the Bible to her. Her dinner came about one o'clock. She said she did not want it, and I said that she would only get low. She wished to have the sacrament. Before that confinement she had lost several friends, and was nervous. She wished me to send for Mr. Cadogan, and I said I was sure that he would tell her to keep quiet. I read the Bible to her. She said she was sure she should die, and she wished some presents given to the housekeeper. Mr. Orford came in the afternoon. I told him she had had nothing to eat all day, and he said that she must have a glass of champagne at once. Lady Louisa was then in the house, and I took her to the room, and Lady Mordaunt called out to her mother, "Oh, mamma, I have been very silly." She had previously refused to see her mother. Lady Louisa remained a short time, and when she came down she said Lady Mordaunt was doing very well, and I left. I saw her next morning after service. She was very cheerful, and said she should like to nurse the baby. She took it in her arms, and told the nurse to leave the room. She tried to nurse the baby, and I said it was very unlikely she could then, as she had not done so before. I saw her again in the afternoon, and asked her how she got on with the baby, and she said, "Oh, it's a stupid little thing; I soon got tired of it." I saw her again either on Monday or Tuesday. She seemed distressed,

and said, "I shall confess all to Charlie." I think that was on Tuesday morning.

Lord *Penzance*.—Will you tell me exactly what she said?

Witness.—When I went in, she addressed the nurse, and said rather incoherently, "I think I shall confess all to Charlie; he is so good."

By Mr. *Inderwick*.—I spoke to her, but not on that subject. I sat with her about an hour. She was perfectly rational and sensible, and when the nurse came in she remarked that she was quite cheerful and laughing, and said she was glad to see I had cheered her up. Lady Mordaunt joined in conversation with me. There was nothing that led me to suppose she was not right in her mind. The next time I saw her was the following Friday, the 12th. I had a letter from Sir Charles asking me to go. It was given to the lawyer. I got there in the afternoon. She merely said, "How do you do?" but did not otherwise enter into conversation. I remained about half an hour. She would not speak. She had the blinds down. I said, "You are very dull here; will you not have the blinds drawn?" and she made an irritable motion, refusing. I saw her again next day, when she was in the sitting-room on the same floor. She was lying on the sofa. She seemed in great grief and trouble, and did not speak. I spoke to her, but she did not answer me. I saw her again after morning service on Sunday, the 14th, and she seemed to have shaken off her depression, and spoke cheerfully when I went in. She kissed me. Hancock, the nurse, was there. She said she was much better; that she had had bad dreams. The nurse said, "Mrs. Cadogan knows all;" and then Lady Mordaunt coloured up, and said, "It is only what everybody does. I only did it two or three times in London. I shall soon make it all right with Charlie." I had, in fact, heard of the circumstances, and when she said "I shall soon make it all right with Charlie," I said, "Don't be too sure." She seemed annoyed at the nurse referring to it. I was only there a short time. I think I saw her on Monday, but I am not quite sure. I think about the Thursday I saw her, because her sister and mother had arrived. Lady Mordaunt invariably asked me to come and see her again. On the occasion when I saw her—I can't swear it was Thursday, it may have been Friday—Lady Louisa was there. Lady Mordaunt was lying on the sofa, and she asked me where I had been, and I said I had been to see a dying woman in the village, leaving seven children. I said how sorry I was. Lady Mordaunt turned round and said, "That's not sorrow." And her mother said, "She's thinking of herself." She said, "Mother, I wish you would go;" and her mother said, "Why can't you say what you have to say while I am here?" Lady Mordaunt replied, "No, I wish you would go away;" and then her mother said to me, "Mrs. Cadogan, I hope you will not take advantage of it;" and I replied, "I will tell you all that took place between us." She then went away; and directly she was gone Lady Mordaunt put her arms round me and cried bitterly, but did not make any revelation. I was only there about ten minutes, and then I went to Lady Louisa. I did not see Lady Mordaunt again that day. I think I saw her most days up to

the time I went away on a visit. She begged me to come and see her. I know I saw her on Good Friday. That would be the 26th. On these occasions she seemed always pleased to see me. She used to cry sometimes. I saw her the day before I went away, on the 14th of April. I went to bid her good-by. She appeared depressed in spirits, but well in health. She asked me where Sir Charles was. I said he was in Scotland. I said, "Why don't you write to him and tell him your sorrows?" She preserved silence. I frequently spoke to her about Sir Charles, and she always listened to me, but did not reply. She seemed perfectly to understand what I was saying to her. Sometimes she would burst into tears, and at other times turn the subject to books or other things. I went away for about a fortnight after the 14th of April. I saw her on the 8th of May, when I returned. I told her I was going away. She asked where I was going. I said, "To Martley." She asked me about books she had been reading, and whether I could not recommend her some. She said she liked books rather sensational—ghost stories, and the like. She had been doing some tatting, and illuminating. She spoke about her sister, Lady Dudley. She was talking perfectly rational. Before I left she rang the bell for her maid, and told her to give me her photograph. That was the last occasion on which I saw her. During the whole time I saw her, there was nothing which led me to consider she was not of sound mind.

Cross-examined by Dr. *Deane*.—You have not been in the habit of conversing with any one not of sound mind?—I think not.

Are you quite sure?—Yes, I am sure. I had a legacy of £10,000 from the will of Mr. Thwaites. I was called to prove the sanity for the testator, but was not sworn. I was not examined. I got my legacy

Lord *Penzance*.—The case was compromised, I think.

By Dr. *Deane*.—Lady Mordaunt was perfectly well on the day she called at my house in the phaeton, but she said somewhat suddenly, "I must go home." She afterwards told me why. Something she said had given way. The symptoms of approaching confinement were very slight then. She was sometimes cheerful, sometimes depressed; and a week after her confinement she was almost totally silent. She did try to nurse the child when I was there. Sir Charles was not there. That was the only time I saw her try to nurse the child. She had never nursed the child for eight days, and it was on that account I said it was very unlikely she could then. The nurse told me so, and I think Lady Louisa did. I cannot say that Lady Mordaunt told me so. She told me she was anxious to nurse the child on the Sunday morning, but I cannot remember whether she did before. When I said she spoke rather incoherently, I meant she seemed in distress and trouble. It arose from a bit of conversation I heard. It had nothing to do with anything else I heard.

Dr. *Deane*.—I merely wish to know what you mean by incoherently. At the time she said "I must confess all to Charlie," had you heard any statements?

Witness.—The nurse told me that she had seen Sir Charles the

night before and had told him the child was not his. That was Tuesday week after the confinement. Lady Mordaunt only reverted to the subject to me once, that was on the 14th, the first time she broke the silence she preserved. It was on the Sunday morning. The first was her saying to me, "Everybody does it."

Was that the whole of the observation: "Everybody does it in London?"—She did not say "Everybody does it in London;" she said, "I only did it once or twice in London."

Did not that startle you rather?—Yes, frightfully.

Did you say nothing to her? Did you think she was in her right senses?—Yes.

What is the reason you did not reply?—I tell you I did. It was all one consecutive sentence. She said "I only did it once or twice in London; I shall soon make it all right with Charlie;" and my reply to her was, "Don't be too sure of that." It was all one phrase, one consecutive sentence.

And to that consecutive sentence you made no answer?—I think I left the room after saying "Don't be too sure of that."

You think she was in her senses?—Yes, certainly.

As I understand, you never saw the slightest failure in her mind?—On the Saturday she was a little wandering with hysteria. I saw her on the Saturday following the 6th. She was in great distress. She was up and in her sitting-room, and seemed in great distress, and as if it were impossible for her to cry.

By Lord *Penzance*.—She exhibited signs as if she would cry if she could. She seemed in "a rapt state." She lay on the sofa and did not answer me, though her face was towards me.

Cross-examination continued.—The nurse told me that she had locked up the laudanum.

Dr. *Deane*.—What day?

Lord *Penzance*.—The date is fixed by the nurse.

Witness.—I think it was the 13th. The letter Sir Charles wrote said—"Will you come and see Harriet, as she seems in a very odd state? I have sent for Mr. Jones." That was on Friday, the 12th. Mr. Jones was her medical man at Leamington. I have seen Mr. Orford from time to time in the house. On Saturday, the 6th, I and Mr. Orford went downstairs. Lady Louisa said, "How is she?" and Dr. Orford said, "She is a little hysterical; just like Lady Dudley was at her confinement." Dr. Orford told me that she was in a very "odd state." When I saw Lady Mordaunt on the 14th of May, she suggested that a long time before that she proposed that I should have her photograph. I was with her half an hour, and she told me she was going away—at least I think so; I am not sure. On second consideration, I think she did not tell me. I heard that she might go away; there was always a suggestion to that effect. The suggestion was from everybody. I heard sometimes that her father and then her mother was coming to take her away. I heard it from Lady Mordaunt when it was at first understood that her mother was to take her away. Arrangements were made for that. Lady Mordaunt told me she was going for a change.

By Lord *Penzance*.—That was about the time I told her about the poor woman.

Witness, continuing.—I never mentioned the subject again that I know of. I was sure she was going away, but did not know the month. She talked of going to Weymouth.

By Serjeant *Ballantine*.—I do not believe that after her confinement her mind was affected.

Serjeant *Ballantine*.—When was the suggestion made that such was the case?

Lord *Penzance*.—Did that arise in cross-examination? She has not been asked at all what people said.

Serjeant *Ballantine*.—I will not press the question.

Mrs. Cadogan, continuing, said—Lady Louisa went away on the Saturday. That was the day Lady Mordaunt was so depressed. She returned on the 16th, but I cannot remember how long she stayed. When I received the letter from Sir Charles I went to see Lady Mordaunt.

The Rev. Abel Cadogan, examined by Mr. *Inderwick*, said—I am vicar of Walton, and I have known Sir Charles Mordaunt some time. I saw Lady Mordaunt on the 4th of March. I went to baptize the child privately in the house. I had not much conversation with her. Before the child was brought in I asked her how she was. She said “Very well.” I did not see her again till Easter-day, the 28th of March. I then had a conversation with her. At the time Mrs. Forbes was not at the house. None of her family were there. On that occasion she did not converse much. I received a letter from Sir Charles stating his great sorrow and trouble. I read the letter to her. I said I could not express what he wished better than he himself. She sat down and cried, and I expressed myself ready to be any comfort to her. She said, “Yes,” and I read her the prayers of the church. I don’t think her mind was affected. I could not say the exact dates I saw her; but I saw her four or five times. I saw her when Sir Charles Mordaunt was in Scotland. I saw her on the 25th of April. I called of my own account. I found Lady Mordaunt in her own boudoir. I asked her how she was, and she said “Very well; but she had not been quite the thing.” Mrs. Cadogan was then at Leamington, and Lady Mordaunt asked why she had not been to see her, and I told her the reason. Lady Mordaunt said, “Charles will not be able to prove the nonsense that I spoke, and if I ever see him I could set the matter right.” I had said, to lead to that remark, that I understood she was coming to church. I told her that under the painful circumstances of her case it would be better not. I said if she persevered, I must do something to prevent her. It was in answer to that that she spoke the words I have named. She changed the conversation very abruptly, and said, “Would you like to take a walk into the garden?” I then left her. On the 30th of April, in consequence of a letter from Mrs. Forbes, I went up to the Hall on the following day. I did not see Lady Mordaunt. In consequence of my conversation with Mrs. Forbes I went the following day, and had a conversation with

Lady Mordaunt. I told her I understood that she wished the little baby to be publicly received in church. I told her that Mrs. Forbes had written to me to say so. Lady Mordaunt said "Yes." I asked if she had godfathers and godmothers. She said Mrs. Forbes would be godmother, and Lord Dudley godfather. I said, "But you want another godmother;" and Lady Mordaunt said, "Will Mrs. Cadogan be one?" I said I would ask her. That was the last time I saw her.

By Dr. *Deane*.—I had little conversation with Lady Mordaunt when I went to baptize the child. I have not the letter Sir Charles wrote me. I think it is at home. I don't think I destroyed it. In the letter Sir Charles said that he was going away, and then described his distress. He hoped that his wife, after serving him so badly, would do him the justice to acknowledge it. The letter was given to me before going to church on Sunday morning. I received the letter on the 28th of March—Easter-day.

To Lord *Penzance*.—That is the letter I read to her when she cried, and made no remark.

Mr. Cadogan, continuing, said—Between the 25th of March and the 25th of April I saw her four or five times at her own house. I went as parish minister. On the 25th of April she asked why Mrs. Cadogan was not there, and said Charlie would not be able to prove, &c. I explained to her that I could not admit her to church whilst she was under such accusations. It was a notorious scandal. I assumed nothing. I said "notorious scandal" to her. I did not go into the subject. She changed the conversation. I have said the whole of the conversation on the point that took place. When she changed the conversation I cannot say exactly what she changed it with. I really cannot say what the words were. She walked to the door with me, as she always did, and said "Good-by." The last time I saw her was about the child being publicly received in church. She said, "Yes, oh, yes," directly. She answered at once, and took no time to consider. She suggested the godmother—her sister. I suggested godfathers and godmothers, and then she gave me the names. It was the 2nd of May, the last time I saw her.

By Serjeant *Ballantine*.—On the occasion of the conversation about the church, there was no indication that her mind was unsound. To the best of my judgment, nothing in all her conversations made me think so. When I said "notorious scandal," I meant her own statements. What I told her I believed it my duty to tell her. I believe the letter produced was in her handwriting. Recalling her manner and demeanour before and after the confinement, it does not alter the view I take.

To Lord *Penzance*.—I went with the letter to remonstrate with her, and induce her to own her wrong. I thought the best way of setting about it was to read the letter. The result was she cried and said nothing. I remarked on the letter, and said nothing I could say could touch her more than her husband's words. She listened and cried. I then asked her if it would be any comfort if I read a portion

of Scripture for the day. She looked over a Church Service or Bible, and I read. She said nothing to my suggestions and persuasions.

The letter referred to as being in the respondent's handwriting was put in and read. It was dated Saturday, and said:

"MY DEAR NURSE,—Pray say nothing more about the nonsense I talked when you were here.

"Yours truly,

"H. MORDAUNT."

Lord *Penzance*.—Was that addressed to Mrs. Hancock?

Serjeant *Ballantine*.—Witnesses will be called to prove the position in which it was found.

The Dowager Lady Mordaunt, examined by Serjeant *Ballantine*, said—I am now married to Gustavus Thomas Smith, and am the widow of the late Sir Charles Mordaunt. I have known Lady Mordaunt since she married my son. I visited at the house, and they seemed happy. I heard of her confinement, and saw her on the 14th of March. She was in her boudoir, lying on a sofa, at the time. I had been told of statements. I went into her room on the 14th of March. I expressed sorrow at her position. I don't know whether she made answer. When I went into the room she said, "Sit down, darling." I said, "I prefer kneeling by your sofa." I knelt by the sofa, but she said but little that day. She said, "I want to tell you——" and stopped. I said to her, "Harriet, did you ever see the baby?" She said, "Yes, sometimes." I said, "It belongs to you, and I hope you will take care of it." The answer was, "I see it sometimes." I always spoke in kindness to her. I saw her again on Sunday, the 4th of April, in her boudoir. I found her on the sofa, and on the table was her prayer-book. I said I hoped that she would try to put a stop to the publicity that must inevitably follow her conduct, and that it was in her power to do so if she wished. Lady Mordaunt made no answer. As far as I can judge she understood what I said. There was no indication that her mind was wandering. As I came into the room I heard her speak to the man, and I heard the latter say, "Oh, you had better see her ladyship for a few minutes." I think I went of my own accord. The next time I saw her was on the 9th of May. That was at Walton, and because she had not returned my visit. I arrived about three o'clock. I heard Tabor in the room. I went to the housekeeper's room. I went to see the housekeeper, and not Lady Mordaunt. I heard Lady Mordaunt say, "Tabor, bring me some bread and butter." I went into the room, and Lady Mordaunt kissed me. I said, "I have not been to see you lately Harriet, because you have not asked me to come." Lady Mordaunt and Tabor went out of the room together. I followed and saw them sitting on a large box which contained coal. I went up and said, "We have had enough of this; we understand what it all means. You had better get up and go." I touched her, and she got up and went away. I afterwards received a message by Tabor from Lady Mordaunt. I called on her on the 12th of May. I saw her. I kissed her. She

was in her boudoir, sitting on the sofa. I said, "Harriet, you are cold; why don't you light a fire?" She said, "I don't mind much." I think I said, then, "Perhaps you had rather not take a walk." I had sent in a message about taking a walk. I did not press the matter. We talked over a few other subjects, but afterwards she said she would go and put on her things. We went to her bedroom, and she put on her things. We then went out for half an hour, and we talked on different subjects. My son Arthur was not well; she alluded to his illness, and said, "I suppose it's the same as he had last time." I said, "Oh, no." We walked in the garden, and then I went into the hall, and I wished her good-by. She asked me to go upstairs again, but I refused. She asked after my other children. I spoke about Mr. Arbuthnot, who was engaged to one of the Miss Moncreiffe's; asked Lady Mordaunt whether she knew him. She said no, she heard he was a very nice person. She remarked about the beauty of the cowslips, and afterwards gathered some honeysuckles. I asked her whether I might have some flowers for Arthur, and she said, "Certainly; Broadbridge will get some." We went to the kitchen garden and to the peach-house, but he was not there. When there, she asked me about the child's baptism, and whether I would be god-mother. I said yes, and I explained the difference between that and the reception of the child into the Church, and told her she had better see Mr. Cadogan about it. In the course of the conversation I alluded to the death of the Dowager Lady Bradford, who was a connexion of the family, and asked whether it would make any addition to her income, and she said it would. I said, "Whom will that pretty villa at Cannes go to; will Letty Moncreiffe have it?" and her answer was, "No; I think it will go to the second son." Before we parted I said, "Harriet, I must go now, I cannot be any longer away from Arthur." Mr. Smith had driven me round by the stables and she said, "Why don't you have the carriage brought round to the front door?" but I said, "No; Mr. Smith is waiting." She said she would like to see him, but not then; she had been out long enough, but she would be glad to see him another day. That is the last time I saw her.

Now, Lady Mordaunt, I ask, during the whole of this conversation was she perfectly sensible, or were there any indications whatever of her mind being impaired?—None whatever.

You say that after due reflection?—I do.

Cross-examined by Mr. *Archibald*.—On the 14th of March, when I saw Lady Mordaunt, she was lying on the sofa in her boudoir. She did not say much, nor was she particularly cheerful. She was rather silent. There was nothing particular in her manner that I noticed. She said, "I want to tell you,"—and then stopped short. She did not renew her observation. That was all the conversation we had except about the birth of the child. I only saw her about ten minutes on the 4th of April. She was perfectly silent, so I said nothing. She was cheerful, but there was nothing remarkable about her. It was on the 9th that she sat down on the box.

What made you say we have had enough of this?—She said she went to see Mr. Bird, but she knew he was away. I know nothing

more. I made the observation because I thought she put it on. She got up immediately, and went away without saying anything; she did not seem excited. I did not follow her. On the 12th of May I spoke about the sponsors, after she commenced the conversation. I knew her child had not been received into the Church then. I might have been on one or two occasions to speak to the housekeeper without asking to be announced to Lady Mordaunt. I may have gone to inquire about her.

Sir C. Mordaunt was then called, and there was a buzz of excitement in the Court when the announcement was made that he was the next witness.

He was examined by Mr. Serjeant *Ballantine*, and said—I am the petitioner in the original divorce suit, and the husband of the lady about whose sanity this inquiry is being made. I knew her a considerable time before our marriage, which took place with the full consent of all parties. We were married at Perth, in December, 1866, and from that time to the time of the unfortunate occurrences which have been alluded to we lived together, with the exception of short intervals, when I have been away in Scotland and elsewhere. We lived happily to the very hour when I heard of the occurrences in question. I never denied her anything in reason, but consulted her wishes in every possible way, more especially in regard to friends and relations she wished to ask to the house. I did not interfere with her receiving her former acquaintances after her marriage. I have heard her speak as old friends of the family of Captain Farquhar, Lord Cole, and Sir F. Johnstone, and received them into my own circle after marriage. I cannot say that I was intimately acquainted with them, but I knew them.

Were you aware that the Prince of Wales was also an acquaintance of your wife's?—I was.

I believe you had no personal acquaintance with his Royal Highness?—I cannot say that I knew him well. I have spoken to him.

But beyond that you had no acquaintance with him?—He was never a friend of mine.

But you were perfectly well aware that he was acquainted with your wife's family?—I was.

And on visiting terms with her family?—Certainly.

Did he ever come to your house on any invitation of your own?—Never.

Did you ever have any conversation with your wife about him?—We had a conversation.

Did you express any desire to your wife in relation to her continuing the acquaintance?—I did. I warned her against continuing the acquaintance.

For reasons that governed your own mind, you desired that she should not continue an acquaintance with him?—I did.

Lord *Penzance*.—Can you tell us what you said to her?—I said that I heard from various quarters certain circumstances which caused me to make the remark. I did not enter into full particulars.

You did not wish her to retain his acquaintance?—I did not.

Mr. Serjeant *Ballantine*.—At the time you expressed that desire to Lady Mordaunt, had the Prince of Wales, to your knowledge, been on one or two occasions at your house?—I never saw him there but once. I did once.

And was it after that that you expressed that wish to Lady Mordaunt?—Yes, it was after that.

You were in Parliament, I believe?—Yes, I represented the Southern Division of Warwickshire up to the last dissolution of Parliament in 1868, having been elected in 1859.

Were you aware of the fact, until after your wife's confinement, that the Prince of Wales had been a constant visitor to your house?—I was not.

Were you aware that any correspondence existed between your wife and the Prince?—No, I was not.

Are you saying that literally—that you were not personally aware of any letters passing between them?—I have never seen any letters.

Lord *Penzance*.—Had you known the fact? That is the question.—I cannot recollect that there was a correspondence.

Lord *Penzance*.—That is not the question.

Mr. Serjeant *Ballantine*.—Were you aware that letters had passed between the Prince of Wales and your wife before her confinement?—I am aware that she had received letters from him before I had spoken to her.

Lord *Penzance*.—Are you aware that before your wife's confinement, and since you expressed a wish to her on the subject, she had received letters from the Prince of Wales?—I cannot recollect having seen such letters.

Lord *Penzance*.—That is not the question. What we want to know is whether you were aware that there was a correspondence or not?—Not before her confinement.

The question of the learned Serjeant is whether you were aware that there was a correspondence of any sort, however trivial, going on between your wife and the Prince of Wales?—No, I know of nothing.

Mr. Serjeant *Ballantine*.—And supposing the Prince of Wales has been at your house on several occasions when you were attending the House of Commons, were you made acquainted with the fact?—I was not, except on one occasion.

Lord *Penzance*.—Did you know from any other source that he called?—No; I never heard of the frequent visits that he made.

Surely you can answer so simple a question as that. You say that once you were aware that his Royal Highness was there; were you ever made acquainted with the fact that he called there?—I have heard that he did, but I never saw him.

Mr. Serjeant *Ballantine*.—Did you hear that he had called there frequently?—I heard that he called there occasionally.

From whom? Lady Mordaunt?—No.

I do not wish you to name any names, but was the fact mentioned

by any members of your family. Had something been said in connexion with the Prince of Wales's visits by connexions of the family?—Yes.

Did you speak to Lady Mordaunt after that?—Yes; it was on the occasion when I said I warned her not to continue the acquaintance. In the month of November, 1867, Lady Mordaunt went to London with her maid, Jessie Clarke. I offered to accompany her. She told me she was going shopping, and I should rather be in her way than otherwise. While in London I received a letter from her. The one produced is that which I received.

The letter was read as follows:—

“Palace Hotel, Buckingham-gate, Nov. 8.

“MY DARLING CHARLIE,—One line to say I shall not be able to reach home by twelve o'clock train, but will come by the one which reaches at 3.50. Send carriage to meet me. I felt horribly dull by myself all yesterday evening. I have not had much time as yet to-day. I have seen Priestley, and will tell you all about it when I come home.

“Your affectionate wife,

“HARRIET MORDAUNT.”

Now I will only ask you, were you at that time acquainted with Captain Farquhar? Were you aware that Lady Mordaunt met Captain Farquhar that evening?—I now believe she met Captain Farquhar, but I had no notion of it at the time, nor until subsequent occurrences came to my knowledge. She never said a word to me about meeting him in London. She returned the day after that letter was written. On the 19th of June, 1868, I left England, to go on a fishing excursion to Norway. I proposed to take Lady Mordaunt with me, and obtained superior accommodation, but she did not wish to go. Sir Thomas Moncreiffe, with whom I had a conversation at the time, objected to her going, but I went with his full consent. It was then arranged that she should go to Walton within a week after I left. Her relations were then in town. At the time I left I had a town house. I heard from my wife three times during my absence, and returned on the 15th of July. I wrote to her. At the time I left there was no difference between us. She appeared to be in good health up to that time, but occasionally suffered from hysteria. On arriving in London I at once proceeded to Walton, having previously telegraphed from Norway when I should be home. When I went to Walton I was received in the most affectionate manner by my wife, and there was no anger or discontent against me for aught I had done. I remained there till about the 11th of August, when I went to Scotland. I cohabited with my wife as usual. My wife told me she was in the family-way at the time I was at Walton, but I cannot remember the precise date; but she told Mrs. Cadogan the precise time she expected to be confined. That excited no suspicion in my mind. I returned from Scotland, as nearly as I can recollect, the beginning of September, and I then returned to Walton. I remember the November following that Sir Frederick Johnstone was on a visit

to me. Previous to that my wife asked me why a man of Sir Frederick's fortune and position had not married. My answer was that I had heard a reason why he did not. She pressed me to tell her the reason, and I was reluctant to do so. Ultimately I told her that I had heard that he had a disease which was likely to prevent him getting married, and that such disease, if he got married, might affect his children. I believe the conversation then ceased. Very shortly after that conversation my wife went to London. I believe ten days after. Sir Frederick came in the first place at Warwick races, and then returned for hunting. I think it was shortly before his visit that the conversation with my wife occurred; but I cannot say for certain. Lady Mordaunt told me that it was necessary for her to consult Dr. Priestley. She did not mention that she had any weakness that caused her to consult Dr. Priestley. I never heard her say anything about it.

To Lord *Penzance*.—At that time she did not complain of any suffering that I recollect.

Witness, continuing.—Her maid went up with her. She returned on the second day afterwards. She slept in London one night, as far as I can recollect. She went to the Alexandra Hotel. Until subsequent events I was not aware that she met Sir Frederick Johnstone there. She had often said to me when *enceinte*, "I hope you will let Dr. Priestley attend me, and let me be confined in London." A house was taken in London; but she was prematurely confined. She was confined about five p.m. I was not present; but I saw her on the afternoon of the day following. I did not see the child at that time, nor for three or four days. When I first saw it the eyes looked to me closed up. The day after the confinement she asked me whether I had had the birth inserted in the papers. I said, "Yes, in the *Morning Post* and *Times*;" and she said, "Have it in other papers." She asked me if I had put the word "prematurely," and I said "Yes." Two days after she asked me about naming the child. She asked if "Violet" would do, and there was some conversation on the subject, and she proposed a second name, Caroline, which was that of my mother. On the third day after her confinement—about Tuesday—she said, "Charlie, I have deceived you; you are not the father of that child." I said nothing at that time; I believed that the observation must have been made owing to some illness that must have naturally followed her confinement. She repeated the same or similar expressions on subsequent days. There was nothing to indicate that her mind was wandering at that time. About the following Saturday I received a message through the nurse from my wife, and I went to see her. That was on the 6th of March, and I went to see her in the evening. She appeared, not excited—distressed. I asked her how she was, and on several occasions I asked her what made her distressed. On the Saturday she made a remark, but did not enter into details. On March the 8th Hancock came to me again, and said Lady Mordaunt wanted to see me. I went to her, and she appeared to be composed, but distressed; she cried. There were two conversations. She burst into tears and said, "Charlie, you are not the father of the child; Lord

Cole is the father of the child, and I, myself, am the cause of its blindness." I did not speak for some time. She spoke again, and burst into tears, and said, "Charlie, I have been very wicked; I have done very wrong." I said, "Who with?" She said, "With Lord Cole, Sir Frederick Johnstone, and the Prince of Wales, and often in open day." When she made allusions on the same subject before I did not credit it. This time she spoke in tones of great distress, and perhaps remorse. I made no reply. My suspicions were aroused.

Lord Penzance.—Did you believe what she said?

Witness.—I did not entirely believe even then. Subsequently I had conversations with the nurse and with Mrs. Cadogan. I made certain inquiries, which resulted in the suit I instituted. Lady Louisa came down the second time on the 17th of March. I communicated to her what had passed with her daughter. She remained in the house in communication with her daughter after that time. I left the house about the 4th of April. The last time I saw my wife was about the 4th of March. I was many days without seeing her. I had during that interval found some hotel bills of the Alexandra and Palace Hotels, a number of letters of the Prince of Wales, some flowers and verses in an envelope. I found them in a small desk. I obtained the keys through the lady's-maid. With regard to the letters of the Prince of Wales, they were in the same envelope as what might be termed the valentine. No other letters or hotel bills were in precisely the same envelope.

Serjeant *Ballantine* wished to explain that the envelope containing what Sir Charles called a valentine, had endorsed on the back, in indistinct pencil, a memorandum to the effect that they were received in 1867. That was before her marriage.

Witness, continuing.—The flowers and valentine were those produced. There was also a handkerchief [produced]. That was loose in the desk. The letters [produced] were those so found. After I found those different papers my wife had recovered from her confinement, and was in the sitting-room—that was about the 16th. I said, "Many friends have come to our house at various times, and suspicion may rest on some who have been innocent, and I wish to know whether they have been faithful." I mentioned many names, and she emphatically cleared them all but two. These were near relations, and she refused to answer. She was in her right senses. I have no doubt in my own mind on the subject.

Serjeant *Ballantine*.—Look at this bill [hotel bill handed]; do you see an endorsement on the back?

Witness.—That is my wife's handwriting.

Lord Penzance.—That is the one you found in the desk?

Witness.—Yes.

Serjeant *Ballantine*.—The other is the Palace Hotel bill?

Witness.—Yes.

Lord Penzance.—These were all found in the desk?

Witness.—Yes. She was staying at Belgrave-square the day after she left Walton, at the house of the Dowager Lady C., and I received

a letter. [The letter was read, and commenced by stating that no doubt the recipient would be surprised to hear from her. She was not very well, and had seen Orford; and though somewhat better, was still uncomfortable. She then went on to speak of what she was doing, and who had called, and also of "Lina's wedding," and the presents that ought to be given her. She was afraid that it would not be much, on account of J. M. Bradford's death; and for the same reason thought they would not go out much that season.] I was in Scotland at the time, and did not answer the letter.

Serjeant *Ballantine*.—I propose to ask when he heard the first suggestion of insanity.

Lord *Penzance*.—I think it can be put.

Witness.—As far as I know, I had not heard it before Sir Thomas came to Walton. I believe he told me.

Serjeant *Ballantine*.—Did you hear it from anybody before Sir Thomas?

Witness.—No. I had many conversations with Lady Moncreiffe and Mrs. Forbes before Sir Thomas came down. I was under the impression that he did not see my wife; but from inquiries I found that he was with her for a few minutes.

By Dr. *Deane*, Q C.—I did not go to Norway in the summer of 1867. From the time of my marriage to 1868, my wife often consulted Dr. Priestley. I can't say I know for what complaint precisely. I think it was something connected with her womb. She told me she suffered from ulceration of the womb. Sir Thomas's objection to my going to Norway was not on account of my wife's health. He said the accommodation for ladies was not good. He consented to my going without her. Her remaining at home had nothing to do with her health. My wife went back ten days after I left. I believe that Lady Mordaunt's sister, Miss Frances, and Miss Cotte, a very intimate friend, were at the house on the 25th of June. At the time I left in June I understood from my wife that one of her sisters, Miss Frances, was conditionally engaged to Viscount Cole; but that Lord Cole's father's consent could not be obtained. There was great intimacy between my wife and Lord Cole's family. I cannot give the date I saw the Prince of Wales. It was in the summer I went to Norway—1868.

By Lord *Penzance*.—Three weeks before I went to Norway. I recollect the occasion I returned from my own house. I was tired, and laying on the bed, and the witness Bird said his Royal Highness was in the house, and I went and saw him.

Cross-examination continued.—I found other letters in the desk. Some are from Lord Newport and from Mr. George Forbes.

Lord *Penzance*.—Before you saw the Prince of Wales in the drawing-room, had you told your wife not to receive his visits?

Witness.—No. It was after this, and before my going to Norway that I told my wife not to receive his visits. It was, as near as I can tell, about three weeks before.

By Dr. *Deane*.—Was aware that he came occasionally, but not fre-

quently. Knew that his Royal Highness was an intimate friend of the Moncreiffes. She had the ponies in November or December, 1867. I did not buy them of the Prince of Wales, but they were bought of the Prince of Wales's coachman by me. These are the ponies she used to drive. I never visited the Prince of Wales in Scotland with Lady Mordaunt. I think I once went to a ball with Lady Mordaunt in Scotland, but I cannot recollect whether it was at the invitation of the Prince of Wales. It was in September, 1868. I never saw the invitation. I only heard from my wife that we had received an invitation. It was at the Prince of Wales's own house. My wife was confined on the 28th of February. I slept with her regularly up to the time of the confinement. I think it was rather longer than a fortnight after her confinement that I had the conversation with her to which I have alluded. It was when she was convalescent. Lady Louisa Moncreiffe was in the house at the time. It was during her second visit. Orford and Jones did not suggest to me that she was out of her mind. Dr. Jones said she was very silent, but did not say that her mind was affected. I called in Dr. Jones, because the first time I heard these statements I could not believe in her guilt, and I thought that it must proceed from some irregularity, or from her confinement. Dr. Orford recommended that I should call in Dr. Jones, but not, so far as I can say, to inquire into the state of her mind.

By Lord *Penzance*.—I was most unwilling to believe in her guilt, and believed that the state of her bodily health had affected her mind; for that reason Dr. Orford advised Dr. Jones to be called in. I have seen her crying.

Do you know the meaning of hysterical?

Witness.—I believe that when men cry it is not called hysterics, but when women do it is. (Laughter.) I may have said that she was hysterical. I do not know what hysterical catalepsy is. I remarked to Dr. Jones that at times she was very silent, and Dr. Jones said that is a state I can best describe by the words mental or hysterical catalepsy. Dr. Jones had then seen her.

The learned Counsel then read a letter from Walton Hall, dated August 8, which was recognised by the witness as one he had written to Lady Louisa, in which he said:—

“Harriet has not been quite so well since I last wrote, having been hysterical, nervous, and excitable, but without any fever. Orford says that there is no cause for anxiety, and that it will pass off. Baby is much the same. Its eyes are no better. Nobody has seen Harriet except Mrs. Cadogan and myself, and that but seldom, as the least excitement puts her into the state I have described.”

Witness.—That is the state in which she then was.

Another letter, written by Sir Charles on the 10th, was next read:—

“Walton Hall, Wednesday.

“MY DEAR LADY LOUISA,—Harriet had a very good night, and slept for eight hours, but still she has nervous attacks, during which her mind wandering much. Altogether, she is much better than she was yesterday, and Orford thinks her strong enough to get up, but at present it is difficult to get her to understand what is said to her, and she appears to have forgotten all about the baby. Perhaps it is as well, because the poor little thing, though still alive, is nearly blind, and no one could wish it to live in such misery.”

Does that describe her state at the time you wrote the letter?

Witness.—Yes; at the time I wrote those letters I was not thoroughly convinced of her guilt. I was under the impression that she had something on her mind, and no doubt hearing her say these strange things to me I believed at the time they were not true. I clung to the last hope as long as possible.

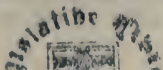
The witness was then asked to explain what he meant by stating that she had nervous attacks during which her mind wandered, and it was difficult to get her to understand, it being pointed out by the learned Judge that this was written two days after the full confession.

Witness.—I considered her mind wandered because she said those things to me which I was unwilling to believe, and did not believe at that time. She appeared not to understand sometimes, and she seemed to me not to take notice of the baby.

A letter, dated the following day, from Sir Charles was next read :—

“MY DEAR LADY LOUISA,—Soon after I wrote yesterday there was a decided change for the better in the baby, and to-day we think there are great hopes of its doing well. There is much less discharge from her eyes, and she has opened them wide for the first time. I am very sorry I cannot give a better account of Harriet, who does not recover so quickly as she ought. She is so far strong, that she is well enough, the doctors say, to get up; but her nervous system is so prostrated that we cannot get her to do so, or to take food, and she seldom understands what is said to her. Yesterday Orford proposed to call in Dr. Jones, of Leamington, who is said to be very clever. He said there was no cause for anxiety, and also that it is a case in which no medicine can be given. He thinks that as she continues to sleep so well, her nervous system is sure to get better by-and-by. The baby has been several times brought to her, but she only noticed it for a moment, and said it was to be taken away . . . I am very anxious and distressed about her, but feel quite sure Jones understands her case, as he says that he has seen many similar.”

Witness being asked to explain this letter, repeated that it was written at a time when he was unwilling, without further evidence, to believe what he had heard from her. He had mentioned that she had made extraordinary statements to him to Dr. Jones at the time he wrote the letters.



The next letter read was also one written to Lady Louisa, containing the passage:—

“My darling Harriet remains much the same; she takes more food, and sleeps very well, but remains quiet, without speaking or understanding anything that is said to her. She is out of bed, and in the sitting-room, and we have done all we could to rouse her from her apathetic state. The doctors say it is entirely hysteric. Baby gets better and worse alternately. I am afraid the improvement is not so decided as I thought. The wet nurse is constantly with it.”

Dr. Deane.—May I take it that at that time Lady Mordaunt was in an apathetic state?—She was at that time very silent.

Several other letters were put in, and extracts read to prove that at the time Sir Charles considered Lady Mordaunt affected in her mind, in one of which he repeated that she could not understand a word that was said, and appeared quite to have forgotten the baby; and the witness admitted that at the time he wrote the letters and called in Dr. Jones, he thought that her bodily state of health or her recent confinement had affected her mind.

Sir Charles went on to say that on some days she called him by name. Dr. Jones told me she had cataleptical hysteria for a week. On one occasion I saw Lady Mordaunt take up the baby and hold it to her breast for a moment, and she then said, “Take it away.” There was an endorsement of the hotel bills being paid on them. The date of the visit to the Alexandra Hotel he did not remember. Was not aware that her sister, the Duchess of Athole, was at the hotel. Mr. Haynes was my legal adviser in these matters. It was by the advice of Mr. Haynes that Sir Thomas Moncreiffe and his family were told not to visit Walton. The letter [produced] is from Mr. Haynes. [It forbade Sir Thomas Moncreiffe and his family to visit Walton, and was dated the 12th day of May, 1869]. It was written by my direction.

By Serjeant *Ballantine*.—There were no indications that would lead one to think that my wife’s mind was wandering except her statements as to men. I wrote to Lady Moncreiffe. I found these documents, as nearly as I can recollect, the day after my last letter to Lady Moncreiffe. After that time Mrs. Forbes wrote, and on the 17th Lady Louisa came down. Lord Newport was one of the persons whom I asked my wife about. She said, “I will not say anything about Newport one way or the other.” The letters [produced] I found in the desk. I was aware that she was on near terms of intimacy, as he was her first cousin. I went to a ball at Abergeldie; believed the Princess as well as the Prince were staying there at that time. The entry in the diary [produced and put in] is in my wife’s handwriting.

Lord *Penzance*.—Was that also in the desk?

Witness.—No; I found it in the travelling-bag the same day I found the letters in the desk. I did not enter into full particulars

with the doctors. I told Dr. Orford I was afraid on account of Lady Mordaunt's great silence ; at times there was something on her mind that caused her great distress, and that we were afraid it might hurt her health.

At this stage of the proceedings it was suggested by Lord *Penzance* that the Court should adjourn ; but before doing so he wished to say that it had been intimated to him that his Royal Highness the Prince of Wales had been subpoenaed as a witness on behalf of Sir Charles Mordaunt. If so, the convenience of his Royal Highness should be consulted. The Prince, he understood, had expressed his willingness to attend.

Serjeant *Ballantine* was extremely surprised, for he had been told that the Prince was not, and would not be subpoenaed. That intimation was given at the commencement of the suit. The Prince had not been subpoenaed at his desire.

Lord *Penzance* said that he must be wrong.

Serjeant *Ballantine*.—Certainly, my lord.

The Court then adjourned.

FEB. 19.—FOURTH DAY.

[WHEN the Divorce Court was opened this morning, Mr. Serjeant *Ballantine* intimated that he should call no evidence to conflict with that which had described Lady Mordaunt as being at present of unsound mind. The substantial question which he wished to be put to the Jury was whether her Ladyship was not, within a reasonable period after the service of the citation, in a fit state of mind to instruct her solicitors. Witnesses were called to prove the charges of adultery, and one of the most important of these was Jessie Clarke, lady's-maid to the Respondent. The further hearing of the case was then adjourned to Wednesday, the 23rd inst.]

THIS trial was resumed. The further evidence produced on behalf of the petitioner occupied the day, and his case was not closed when the Court adjourned.

Mr. Serjeant *Ballantine*, Dr. Spinks, Q.C., and Mr. Inderwick appeared for the petitioner; Dr. Deane, Q.C., Mr. Archibald, and Mr. Searle, for the respondent. Sir J. Karslake, Q.C., Mr. Lord, and Mr. Jeune watched the case for the co-respondents.

At the sitting of the Court,

Mr. Serjeant *Ballantine* stated that, after the evidence of Sir James Simpson, Dr. Gull, and other gentlemen of great eminence, as to the present state of Lady Mordaunt, he had felt it his duty to desire the medical men who attended her in her confinement to take the earliest opportunity of seeing her and reporting on her condition. He had construed the order of the Court as directing that no other persons but those mentioned in it should visit her, and until his expressing the desire he had mentioned the medical gentlemen who attended her in her confinement had not had an opportunity of seeing her. They had visited her during the present week, and he thought it right to state at once that they would not be in a position to contradict the evidence already given as to Lady Mordaunt's present state.

Lord *Penzance*.—Do I understand you to say that you are now satisfied that at the present time she is not in a sound state of mind?

Mr. Serjeant *Ballantine* did not say he was satisfied of that, but he was satisfied that he could produce no evidence sufficient to rebut the testimony given by the gentlemen he had referred to.

Lord *Penzance*.—Then, as far as that is concerned, you do not wish to prolong the controversy?

Mr. Serjeant *Ballantine* assented, adding that he had thought it right to make this announcement at the earliest moment. There remained the question—which from the first he had anticipated would be the essential question—what Lady Mordaunt's state was at the earlier portion of these proceedings; and, without limiting himself to any particular day, he proposed to ask the opinion of the jury as to whether she was not in a sound state of mind on the 30th of April, when the citation was served upon her, and for some time afterwards down to the end of May.

Lord *Penzance*.—Let us see where we are in the inquiry. It seems that, from the advice received by Sir Charles from medical men in whom he has confidence, he does not hope to convince the jury that Lady Mordaunt is now in a sound state of mind; but the learned Serjeant contends that at and some time after this petition was served upon her she was in a fit state of mind to instruct her solicitors duly and adequately on the subject, and that the circumstance of her being now bereft of reason is not sufficient to disentitle the petitioner to proceed with the suit. Do you suggest that the issue before the jury should be put in that form? [Mr. Serjeant *Ballantine* assented.] Then, you do not wish to confine yourself to any particular day?

Mr. Serjeant *Ballantine*.—No; we wish the substantial question to be put to the jury whether or not within a reasonable period there was full opportunity of giving every instruction for the defence—an opportunity neglected by them, and which is no fault of ours.

Lord *Penzance*.—That is, whether on the 30th of April, and within a reasonable time after it, she was able to give instructions to her solicitor?

Mr. Serjeant *Ballantine*.—I dare say it is a matter that will have to be argued.

Lord *Penzance*.—We do not touch the matter of law at present; we are only concerned with the fact. There is a consideration which both sides should bear in mind. It is a question that must at some time be determined—what was the condition of this lady's mind on and after her confinement? If this suit is to go on, we must eventually ascertain whether she was or was not then so disordered in mind from physical circumstances as not to be responsible for all that she said and did. Now, I cannot help thinking that this question has been broadly raised in the present inquiry, and that in the determination of her subsequent state of mind very much must depend on that primary question which lies at the root of the discussions and controversies in this case. If, therefore, you alter the issue and ask the jury what her condition of mind was at and after her confinement, is it or is it not reasonable to ask them, if they find that she was in a disordered state, when, if ever, she ceased to be so, and if they find that she was not, whether and at what time her mind afterwards became disordered?

Dr. *Deane* thought the course the case was now taking exceedingly unfair towards his client. It was impossible for common minds to

dismiss from consideration the admission of guilt made by a woman when they came to consider the innocence or guilt of the persons she had accused, though everybody knew that such admissions were no evidence against them. If the jury should find that Lady Mordaunt was in a sound state of mind at the time she made those statements, those statements would be a tremendous standing point against the co-respondents, who had no opportunity of saying a word in this inquiry. Moreover, her admissions, taken in this case as made by a sane person, would go against her when the main issue came to be tried. These were objections to the course which his Lordship proposed.

Lord *Penzance*.—Are you addressing yourself to Mr. Serjeant Ballantine's or to my more extended proposal?

Dr. *Deane*.—To your Lordship's. There is also this objection. It is now admitted that Lady Mordaunt can at the present time give no explanation, though one word from her, if she were of sound mind, might explain everything. We are shut out from that; we cannot go and ask her, for instance, how she came to write that letter in 1867.

Lord *Penzance* did not expect either side to come to an immediate decision on so weighty a point. The case would have to be adjourned again, and it would be sufficient if both sides came to an agreement by the time he had to put the question before the jury.

Dr. *Deane* then remarked, with reference to Mr. Serjeant Ballantine's proposition, that though friends and servants of Sir C. Mordaunt—Mr. and Mrs. Herbert Murray, as also the butler and housekeeper—had been in uninterrupted communication with Lady Mordaunt, it was only on the fourth day of the trial that her present insanity was admitted. It would be a great hardship and injustice if these persons were not to give evidence, that he might cross-examine them as to when her mental unsoundness commenced, and their reasons for fixing such a date. The medical evidence from first to last now remained entirely uncontradicted.

Mr. Serjeant *Ballantine*.—No, no.

Lord *Penzance*.—You say it is a great injustice that the other side are not going to call witnesses upon whom you might make a very successful onslaught?

Dr. *Deane*.—I hoped so, at all events. [A laugh.]

Lord *Penzance*.—But surely it is always competent for an enemy to withdraw if he thinks the prospects of the battle are against him?

Dr. *Deane*.—Yes, especially if the consequence of his withdrawal is the taking up a better position; but I would rather fight him on the ground he originally took. [A laugh.]

Lord *Penzance*.—True enough; but he does not withdraw from the position on the record. If he were asking me to depart from the issue, you would be entitled to say, "Do not allow him to go back from the issue he took up and substitute some other;" but the issue is still whether Lady Mordaunt was on the 30th of April, 1869, and has since been of sound mind. I cannot insist upon his going on to try to make her out sane at a time when he believes she was not. You have so far succeeded, though it may be a source of regret to you that

the enemy has not fought longer, that you might have slaughtered him. [Laughter.]

Dr. *Deane*.—I do regret it, and should like to have slaughtered some of these people who have been about her of late.

Lord *Penzance*.—He simply recedes so far, and so far pronounces you victorious.

Dr. *Deane*.—I accept the victory, but I expected, I will not say what.

The sensation occasioned by this new complexion of the cause had hardly subsided when some momentary consternation was caused by an announcement made by the learned Judge, on the authority of the Clerk of the Works, that the gallery would not hold with safety an unlimited number of persons; the officer promising to ascertain before the next day's sitting how many it would safely hold. Mr. Serjeant Ballantine suggested that it should be at once cleared; but Lord Penzance, while ordering that no further admissions should be allowed, stated that he did not understand any danger to exist with its present complement, and left to its occupants the option of retiring or not. It was not observed that any of them were sufficiently apprehensive to leave their places.

The trial then proceeded, and at the request of Mr. Serjeant Ballantine,

Sir C. Mordaunt was recalled, and, in reply to questions, said,—I mentioned the name of Captain Farquhar, among others, to my wife in relation to the question whether or not there was any guilt between them. She gave no answer, even when I repeated the question, but appeared so conscience-stricken that I drew my own conclusions. She mentioned in her first admission only the names of the Prince of Wales, Lord Cole, and Sir F. Johnstone.

Jessie Clarke was then called, and deposed,—I was lady's-maid to Lady Mordaunt from her marriage till she left Walton. In the autumn of 1867 Captain Farquhar came on a visit, and stayed about a week. He and Lady Mordaunt were very much together, and the day before he left I noticed something suspicious on her day linen.

Lord *Penzance* here expressed a doubt whether it was allowable to enter upon matters criminating Lady Mordaunt which were not included in her statements.

Mr. Serjeant Ballantine, admitting that he had no more conclusive evidence than this to adduce with regard to Captain Farquhar, urged that Lady Mordaunt's demeanour on his name being mentioned made it relevant to the issue.

Lord *Penzance* thought the proposition that silence implied consent rather a strong one, and remarked that previous evidence of this character had only been admitted as tending to show the truth of the confession, and so to establish the theory of simulation.

Dr. *Deane*, on being appealed to by his Lordship, said he knew nothing of Captain Farquhar, and had no instructions either to assent or to dissent from the reception of the evidence.

Lord *Penzance*.—Then if you do not object there is no reason why the evidence should not proceed.

The witness's examination was accordingly resumed, and she stated that on two subsequent visits of Captain Farquhar she noticed the same marks, which were not observable at any other time. She also said:—In November, 1867, Lady Mordaunt went up to London, and I accompanied her. We stayed at the Palace Hotel, Buckingham Gate, and remained two nights. We arrived at the hotel about five p.m., and about half-past ten I saw Captain Farquhar on the landing outside the sitting-room with Lady Mordaunt. The bedroom was a short distance off. I did not see him come or leave. Her ladyship went to bed about a quarter to eleven, and I called her the next morning at half-past eight. I had arranged the bedroom for her. In the morning I noticed that the books had been moved, though her ladyship never used to move anything that I arranged. The next day she was out the greater part of the day, and went out again about six. She had not returned about ten, when I went to bed, and she told me not to sit up, as she would not want me. After returning to Walton she was taken suddenly ill in the night, and was confined to her room for a week. She then got into her sitting-room. In arranging her toilet-table I found a letter, not in an envelope, under a pincushion. I read it. [Notice to produce the letter was here proved, Dr. Deane stating that he knew nothing of it.] I replaced it, and a few days afterwards showed it to the butler, then putting it back again. I afterwards saw her ladyship take it and put it into the fire. It was dated from "The Tower, Saturday," and said, "Darling, I arrived here this morning about a quarter to nine, very tired and sleepy, as you may suppose." It added that he had seen his name inserted in the *Post* as Farmer instead of Farquhar, and said, "So it's all right, darling, as I was afraid Charles would be suspicious if he saw my name in the arrivals at the hotel with yours." The letter was signed "Yours, Arthur." I found it the day after she left the bedroom. She seemed surprised when she found it, and said she did not think there were any letters about, and then burnt it. In September, 1868, I had occasion one evening to go into her ladyship's bedroom, and Captain Farquhar came in. Her ladyship was not there, and the Captain did not know I was there. He walked to the table, took some flowers up, and left. During the season in 1867 and 1868 Sir Charles and Lady Mordaunt were in town. Sir Charles usually went out in the afternoon to his Parliamentary duties. The Prince of Wales called two or three times in 1867 at that time of the day, and in 1868 more frequently. In 1868 he usually came about four in the afternoon, and stayed from one to one and a half or two hours. Her ladyship was always at home and saw him. No one was in the drawing-room at the time. The Prince did not come in his private carriage. I do not remember that Sir Charles was ever at home when the Prince called in 1868.

Lord Penzance.—Sir Charles himself has told us that he was at home on one occasion, three weeks before he left for Norway.

Examination continued.—The Prince came about once a week. In March, 1868, I attended Lady Mordaunt while on a visit to Lady Kinnoul, in Belgrave-square, Sir Charles being then at Walton. The

Prince came there one Sunday, for I met him leaving as I was coming in. Lady Mordaunt showed me a letter from the Prince before she was married, and I have delivered letters to her in the same hand writing; six or seven times, perhaps, in 1868. I also received two or three letters from her addressed to the Prince, which I gave the footman (Johnson) to post. During the summer of 1868 Lord Cole used to call twice or thrice a week in the afternoon, more frequently when Sir Charles was out. Lady Mordaunt was then at home. She told me we were to go home in a week after Sir Charles went to Norway [15th of June], but we did not go till the 7th of July. During that interval Lord Cole used to call, and on the 27th of June he dined there with another gentleman and lady, whom I do not know. They had not left at half-past twelve, when I went to bed. Her ladyship invariably told me not to sit up for her after twelve. We went to Paddington to take the train, Lord Cole met her there, and took the tickets, giving me mine, and handing Lady Mordaunt into a first-class empty compartment. He stood by the door till the train was starting, and then got in. He left at Reading, the first stopping station. The other servants came down on the 10th, and Lord Cole also; he remained till the 14th, and the next day Sir Charles returned. In December, 1868, I was staying with Lady Mordaunt at the Alexandra Hotel, Knightsbridge. The Duke and Duchess of Athole stayed there with her. The day after they left Sir F. Johnstone came, and left her ladyship's sitting-room about midnight. I was at Walton during her confinement, and until she left. After the nurse left, on the 27th of March, I attended on her. The note produced I found soon after the 10th of April in one of her ladyship's pockets in a dress which she had recently worn. [This was the letter read yesterday addressed to the nurse, and bidding her say nothing more about the nonsense the writer had uttered.] About the 25th of April I noticed in the paper the death of the Countess of Bradford. I showed it to Lady Mordaunt, who said, "Poor thing, I'm so sorry," and said she would have to go into mourning. I provided temporary mourning, and her ladyship directed me to get two mourning dresses, as she would not be going about much. She also selected mourning jewellery. On the 6th of May I saw her before the physicians came. She was conversing with Mrs. Forbes, who asked for some brandy and soda water, and while she was drinking it Lady Mordaunt laughed, and said, "Helen, if you drink all that I'm sure you'll be tipsy." The same evening Mrs. Cadogan called, and I took a photograph in. They were talking very comfortably. On the 12th of May, while dressing her ladyship, she remarked on the dress Lady Kinnoul wore, and said, "What a larkly old thing she is." I told her Mrs. Forbes admired a certain dress of hers, and she replied that she wore it a long time at Yowle [Mrs. Forbes' residence]. Her ladyship looked at the newspapers until the time of her leaving, the 15th of May. Down to that day I constantly attended on her. I have never seen her since. I never saw anything indicative of unsound mind. She was perfectly rational and sensible, and appeared to understand everything.

Cross-examined.—I first spoke of Captain Farquhar in the autumn of 1867 to the housekeeper and butler, and it was often a subject of conversation. I mentioned it to nobody else but Lady Louisa until Mr. Haynes, Sir Charles's lawyer, questioned me, the third or fourth week in March, 1869. I told him all the particulars I have now stated, and also as to Lord Cole and the Prince of Wales. I did not, however, mention the letter under the pincushion, as I did not wish to expose Lady Mordaunt more than I could help. It was really the only proof I had that she was a guilty woman. I first mentioned it to him some time in April. The butler induced me to do so. I did not take a copy of the letter. Mr. George Forbes and Miss Louisa Scott were also at Walton in June, 1868, while Lord Cole was staying there. No sister of Lady Mordaunt's was there. Lady Mordaunt stayed at the Alexandra Hotel more than a week. [Dr. Deane remarked that Sir C. Mordaunt had said she only stayed one night.] I did not tell Mr. Haynes that I saw Lady Mordaunt destroy the letter, and I have not mention it till to-day. He did not ask me what had become of it. I told him I replaced it, and that I had not seen it since.

Lord *Penzance*.—But was that true?

Witness.—I did not see its contents afterwards. I only saw her ladyship take a piece of paper and burn it.

Lord *Penzance*.—Did you not swear that you saw her destroy the letter? What do you mean by now raising a question whether it was the same paper? Your statement to Mr. Haynes that you did not see it afterwards was false then?

Witness.—It was so far false what I told him. Lady Mordaunt seemed very sad from the second week in March till she left, as if she had a great weight on her mind. She would ask for the child, and sometimes nurse it for a considerable time, but at others did not care for it. She asked me the second or third day after her confinement who it was like. I said it was like herself, and she seemed pleased. She never appeared to me to be feigning insanity. She was always rational with me, and I seldom saw others with her. She sometimes, as I said in my affidavit, assumed silence. As far as I can remember, she was only silent while I was dressing her the day before she left. I said it was no use her trying to deceive me; and she said, "Well, you know, Clarke, it's very hard to know what to do." She was also silent when Dr. Tuke was visiting her. She was standing with her hands clinched; and Dr. Tuke said, "My dear lady, tell me what I can do for you. You would not like to go into a lunatic asylum, would you?" The second week after her confinement she never talked to me. Once she asked if I would let her lie on the sofa in my room.

Dr. *Deane*.—Your mistress asked your permission?

Witness.—That was a mistake of mine. She said she would lie down on the sofa. Ultimately she dressed and went into the sitting-room. I will not say she ever asked my permission to do anything else. I never thought her orders unreasonable. I have talked these matters over with the housekeeper. I will not swear that I never told the housekeeper that Lady Mordaunt's orders were unreasonable.

I never saw her sit on boxes, or go into the garden without a bonnet. She gave me orders the day before she left to pack up her things. She did not tell me where she was going to, or how long she would be away, but I knew she would not return. Previously she had always told me such particulars. She approved the things that I selected.

Re-examined.—I told Lady Louisa Lady Mordaunt's statements, and some particulars about Captain Farquhar. His regiment, Lady Mordant had told me, was stationed at the Tower. Lady Louisa went out and in to Lady Mordaunt's room throughout the day, during her various visits.

Dr. *Deane* objected to questions about Lady Louisa as irrelevant; but Mr. Serjeant *Ballantine* said his object was to show that she had ample opportunity of knowing Lady Mordaunt's state of mind, and might have been called if she could have rebutted this witness's evidence, and the *Court* overruled the objection.

Examination continued.—Lady Louisa used to remain with her daughter during the evening.

To the *Court*.—When she assumed silence I did not think she was pretending to be of unsound mind.

Lord *Penzance* asked witness how she reconciled this statement with her telling Lady Mordaunt it was no use trying to deceive her?

Witness.—She was trying to make me believe there was nothing in the suit commenced by Sir Charles. I cannot explain it further.

Lord *Penzance*.—Then, I am sorry for you.

The deposition of Mr. Haynes, Sir Charles Mordaunt's country solicitor, who had been examined before a commission in consequence of his illness, was then read. He proved the service of the citation and copy of the petition on Lady Mordaunt on the 30th of April, and said that he explained them to her, and she seemed to understand them. In cross-examination, he said that when he entered the room he was struck by her pitiable appearance, and that he had put the papers in her lap, and she opened her thumb and finger to receive them, but did not attempt to read them, and that she continued in the same position while he remained in the room. While he was speaking to her, Mrs. Forbes came into the room, and Lady Mordaunt looked at her sister and smiled, but said nothing. Lord Dudley afterwards came into the room, and he repeated to his lordship the object of his visit, and then retired. He never saw Lady Mordaunt before this interview.

Henry Bird.—I am butler to Sir C. Mordaunt, and have been in the service of the family thirty years. Lord Cole, Captain Farquhar, and Sir F. Johnstone visited Walton Hall. In the autumn of 1867 I accompanied Sir Charles and Lady Mordaunt to Scotland. Captain Farquhar was staying at the same place, and I noticed that he and her ladyship were very often together. Lady Mordaunt was more frequently with him than with other people. A few days after we returned to Walton he came on a visit. He was often in her sitting-room, generally alone with her. Sir Charles was frequently out shooting at the time. Jessie Clarke made a communication to me, and showed me a letter. That was about ten days after Lady Mordaunt's

return to London. It was in Captain Farquhar's writing. I read it, and returned it to Clarke. It was dated from the Tower, and said, "Darling, I got home here, tired and weary, as you may suppose. I have read the *Morning Post*, and have seen that they have inserted my name as Farmer. If they had inserted it Farquhar, Sir Charles would have been suspicious." There was also an allusion to having attended a play, and the persons they had seen there. Clarke did not tell me where she had found it. I referred to the *Post* for November 7 and 9, 1867; Sir Charles took it in. I referred to it before I saw the letter, on account of what Clarke told me, and I put aside the two papers in my cupboard. On the 7th, among the arrivals at the Palace Hotel, Buckingham-gate, Lady Mordaunt's name is given, and on the 9th Captain Farmer's. In January, 1868, Captain Farquhar visited Walton, and stayed about a week. There were other visitors, and there was not so much opportunity for him and Lady Mordaunt to be together. I once found them together in the billiard-room, standing close together near the billiard-table; they seemed startled, and I apologised and left. In 1867 and 1868 the Prince of Wales called at Sir Charles's London house—in 1868 about once a week; but one week twice. He came about four p.m., and stayed from one to two hours. I received him. Sir Charles was then at the House of Commons, or out pigeon-shooting. Lady Mordaunt gave me directions that when the Prince called no one else was to be admitted. After Sir Charles left for Norway the Prince took luncheon there once, with a sister of Lady Mordaunt's and a gentleman. The last two went away together, but the Prince remained about twenty minutes alone with Lady Mordaunt. Lord Cole visited the house two or three times a week—more frequently when Sir Charles was out and after he had left for Norway. Sir Charles was seldom at home in the afternoon. Lord Cole and two others dined with Lady Mordaunt after Sir Charles's departure. The two others left about eleven, but Lord Cole stayed in the drawing-room till about a quarter to one. I knew this by hearing the front door bang, and by observing that his hat and coat were gone. I went down to Walton on the 10th of July; Lord Cole arrived the same day, and left the day before Sir Charles's return. Sir F. Johnstone, when he stayed at Walton, was often in her ladyship's sitting-room while the rest of the party were shooting or hunting. I left Walton with Sir Charles on the 5th of April, 1869. After her confinement Lady Mordaunt used to take the papers from me, and once proposed to go fishing, as she had done before; but I said it was too cold. She seemed quite rational. I went on the 20th of August to Worthing in order to accompany her to Bickley. She shook hands with me. I told her Sir Charles had gone to Scotland, and that Taylor, the gamekeeper, had gone with him. She laughed and said, "Only think of Taylor's going." She referred to the death of the Dowager Lady Mordaunt's son, Mr. Arthur Smith, and said how sorry his father must be to lose his only son. I remained five or seven minutes.

Cross-examined.—I went with Lady Mordaunt to Bickley, and

remained there six weeks. She then appeared more absent, and conversed less than before her confinement. One night, between ten and eleven, she came into my bedroom. I was sitting there writing. She was in her night-dress. She was taken away. I asked the next morning whether she recollected it, and she said, "Yes; it was a mistake." I should say no person in her right mind would do so, and I do not think she was then in her right mind. This occurred about the middle of September. I could not quite decide up to that time, nor afterwards, whether she was sane. Sometimes I thought she was shamming. She would go about the house, sit down in the passage, turn pictures to the wall, and move books about. I never saw her relieve herself in the room. Captain Farquhar's letter, I think, was dated Saturday, the 9th. I told Mr. Haynes of the letter in May or June, while in Scotland. I had previously told him everything else. Clarke did not wish me to mention the letter, lest it should prevent her getting another situation. I cannot remember whether she had told me about the linen. I do not think Caborn talked about the letter in my presence. Clarke told me she found it in her Ladyship's bedroom. I kept no visiting book. Mr. Oliver Montague was one of those present at the dinner with the Prince of Wales.

Re-examined.—I mentioned the letter to Mr. Haynes after writing to Clarke upon it and getting an answer. I wished to copy the letter, but Clarke would not let me. When Lady Mordaunt came into my room I asked her the reason, and why she was not in bed. She only laughed, and the maid led her away. If her acts were done without a motive I should judge her insane. I had not fully made up my mind before I left Bickley whether she was shamming or not. She did nothing of the kind before leaving Walton.

Alfred Brett.—In November, 1867, I was head porter at the Palace Hotel, and entered the arrivals. Lady Mordaunt arrived there on the 7th, but the entry was made by the hall porter. I entered the name of "Captain Farmer," but, ascertaining that it was "Farquhar," scratched it out and substituted Farquhar. I made the correction the same night.

Cross-examined.—I believe I noticed the right name on the portmanteau. On the 14th of June last I made an affidavit. [The affidavit stated that he made the alteration "on or about the 7th of November."]

George Jeffries.—I keep the "departure book" at the Palace Hotel. There is an entry of the departure of Mr. Farquhar on Sunday, November 10, 1867. We do not book people as gone till their luggage is gone. I cannot say positively from the book whether he slept there the previous night.

This witness was not cross-examined.

Frederick W. Johnson.—I was formerly footman to Sir C. Mordaunt. While Captain Farquhar was staying at Walton in the autumn of 1867 I took a note, I believe from Mrs. Cadogan, into Lady Mordaunt's sitting-room. The captain was there. They had

carving tools before them. The rest of the party were out shooting I did not knock before entering. Lady Mordaunt told me I ought not to come in without knocking. She had not told me so before. I went with Lady Mordaunt in the spring of 1868 to the Alhambra. Captain Farquhar was there. Lady Kinnoul (with whom Lady Mordaunt was staying) went, too, in her own carriage, and Lady Mordaunt in a hired one. Lady Mordaunt left about twelve. The captain rode part of the way home with her. I have posted three or four letters from Lady Mordaunt to him, and have also delivered a letter to him. The Prince of Wales called once in 1867; I did not see him at the house again. He also called on Lady Mordaunt while she was staying with Lady Kinnoul. I have taken letters from her Ladyship addressed to the Prince; some I took to Marlborough House, and others I posted.

Cross-examined.—Letters were given me by her Ladyship, her maid, and the butler. I posted a great many. The Prince called at Lady Kinnoul's to see Lady Mordaunt just after she had got better. She had been confined to her room.

Re-examined.—I took two or three letters to Marlborough House; two I am positive, and I think I posted three to the Prince of Wales within three days.

On the learned Judge asking the date of this, the witness pulled out what he called a diary and wished to refer to it, but when questioned by his Lordship he admitted that it was written as recently as last night, partly, he said, from memory, and partly from a private book which he had not brought with him, in which he entered anything he wished to remember. Being, of course, prohibited from referring to this paper, he said he believed he took the letters in 1868, at the time he was with Lady Mordaunt in Belgrave-square.

Re-examination continued.—I think I took letters at some other time. I don't think anybody in the establishment saw her Ladyship give me letters.

Lord *Penzance*.—There was no secrecy about it?

Witness.—No.

Mr. Serjeant *Ballantine* here stated that the notice to the Prince of Wales's solicitor to produce letters expressly stated that his Royal Highness's attendance was not required, and that the solicitor had written to say that he had no letters. He would not therefore go through the form of calling for them.

Lord *Penzance*.—You cannot call on the other side for them.

Sage Ann Caborn.—I am housekeeper at Walton Hall. About three days before Lady Mordaunt left she wanted me to get a cheque cashed. I read it, and asked Mr. Cobb to cash it, and as he could not at the time I left it with him. The next day her Ladyship asked if I had the money. I said I had not, but I could lend her 20*l*. I offered her five sovereigns and 15*l*. in notes. She did not seem to like the notes, and I said that if she preferred I could get the cash on Saturday. She said "Very well," and I took the money up again. On the Saturday, I heard her father was coming to take her away. Cobb

returned me the cheque, and I gave it to Mr. Osborne Mordaunt. It was drawn for 30*l*. [Two cheque-books were here produced, and witness identified the handwriting of the counterfoils as Lady Mordaunt's.] Lady Mordaunt was in mourning when she left. She asked me the day she left about a railway rug, which I fetched. She had had the newspapers daily. I had no reason to think her mind was affected.

Cross-examined.—I last saw Lady Mordaunt yesterday. She was in a very absent state. I should say she was of a weakened mind. I have been with her since the 16th of August, except about ten days. I have particularly observed her mind become weak within the last three months. I can scarcely tell the state of her mind last December; it was weakened then. Mrs. Herbert Murray stayed two or three days at Bickley at the end of November. Mr. Murray is Sir Charles's uncle. Mrs. Murray came before, in September. I did not observe Lady Mordaunt's mind then so much as since. She showed it by many things. Once she went out and stuck a branch of a fir-tree in her boots. I can't recollect the other things. I can't say whether I have seen the letter produced to Lady Louisa. I remember some words in it about the butler going home, but those may have been told me by Miss Parsons, who was at Bickley in August and September. She was not there in October. I did not see Lady Mordaunt write the letter. I have been in the Mordaunt family nearly forty years.

Several cheques written by Lady Mordaunt were here handed to the witness, who explained the circumstances attending them. One, for 250*l*., was drawn, she said, by Lady Mordaunt, at her request, on the 20th of December last, in order to pay bills amounting to about that sum. She had been sitting on the floor, and was a long time in writing it. The sum was given in figures only, not in words, and on being told of the omission she took no notice. Witness, after keeping it a day or two, sent it to Sir Charles, because he had the bills, and she enclosed two. A second cheque was devoted to paying a bill, witness telling Lady Mordaunt the amount and standing by her while she wrote it. A third, dated the 20th of November last, was misdated the 26th. It was for 4*l*. 16*s*. 9*d*. for sundry articles purchased, but on account of the erroneous date witness did not present it at the bank, but got it cashed by the tradesman who received the second. A fourth, for 10*l*., was drawn for Lady Mordaunt's own use, and witness had cashed it, and now held the proceeds. She knew nothing of a fifth, dated the 29th of December last, for 60*l*. 2*s*., which was also shown her. The cheque-book showed that cheques had not been taken out of it in the proper order—a mistake which, his Lordship remarked, ladies sometimes committed.

Cross-examination continued.—I recollect Dr. Tuke and others coming to see Lady Mordaunt. I did refuse to give them any information whatever. It was not by any one's direction that I did so. The Dowager Lady Mordaunt did not come frequently to Walton. She had come to church, and once or twice to see Lady Mordaunt. Once when she came over to attend church in the afternoon, she came to my room without seeing Lady Charles, who on that occasion sat on

the coal-box. I was not at Worthing with Lady Mordaunt. I did not see her from the 15th of May until the month of August. She was then considerably changed since I had last seen her. I thought she was not looking so well, and was not so lively as she had been at Walton. She was at times silent before she left Walton. I cannot say that this was frequently the case, because I did not see her often. She is now in excellent health. I have not known her to be out of health since she has been at Bickley.

To Serjeant *Ballantine*.—I cannot fix any time at which I considered Lady Mordaunt perfectly sane. After she came to Bickley her mind began to fail. I noticed a difference when she came there. She was at first able to understand what was said to her, and she frequently made rational answers. I don't particularly remember when she did otherwise. She has been failing for the last three months. Before that period I noticed a little failing of mind from the time she came to Bickley. I never heard her complain of being dull, but she did desire to go up to London, although not often, so far as I am aware. On the 20th of November she talked of going to Walton. I then considered her mind to be in a weakened state. To me she had never alluded either to her separation from her husband or to the gentlemen whose names have been mentioned.

General Arbuthnot was then examined, and said,—I came to London on the 28th of October, 1869. I knew there was a prospect of a suit in the Divorce Court respecting Lady Mordaunt. I did not know at that time there was any suggestion of her being insane. On the 28th of October I called upon Mrs. Murray, my daughter, in Chester-square. I was told that Lady Mordaunt was there, and at first supposed that it was the Dowager Lady Mordaunt. As I was shown into the sitting-room a young lady entered by another door, and I then guessed that she was Lady Charles Mordaunt. I had a good deal of conversation with her, and she evidently knew me. I told her I was going back into the country by the evening train, and she said that she had come up to town for the day with her maid, and would return home the same evening. She said she had taken a long walk and been to the Baker-street Bazaar. We continued to talk for ten minutes or a quarter of an hour on indifferent subjects, such as would be talked about by comparative strangers. There was no indication of insanity. I thought her very agreeable and pleasing in her manner, and perfectly sensible of what passed between us. Mrs. Murray was in the room most of the time. I was asked to stay to luncheon, but I declined, and as I was leaving the room I heard Lady Mordaunt say to Mrs. Murray, "Why didn't you introduce General Arbuthnot to me?" I turned round and made a low bow.

Cross-examined.—I am quite sure it was on the 28th of October, and not on the 27th or 28th of September. I knew nothing at all about her insanity. Mr. John Fiennes came in while I was there. Lady Mordaunt told me she had taken a long walk. She did not say she had been out with Mr. Fiennes. She said she enjoyed being in London. She was up to all the topics of the day upon which I spoke

to her, and very lady-like. I should think that during my stay there was not a moment's silence. I did not monopolize the conversation. When I talk with a pretty young lady I like to hear her observations. I do not think that Mrs. Murray entered much into conversation. Mrs. Murray told me subsequently—probably a month afterwards—that there was an idea that Lady Mordaunt was insane. I mentioned the circumstance to some friends in Cheshire, and said that I had not the slightest suspicion of it at the time of my conversation with her.

Mr. James V. Solomon.—I am an oculist practising in Birmingham, and have been connected with the Birmingham and Midland Eye Hospital for more than twenty years. I was called in to see Lady Mordaunt's child on the Saturday after she was confined. It was suffering from purulent ophthalmia. I saw it once about a month afterwards, and it was then well. There are no appearances which would enable an oculist to judge whether an infant was suffering from ophthalmia caused by leucorrhœa or by a specific disorder. The latter is more obstinate and more destructive to the tissues of the eye than the former.

By the *Court*.—I prescribed the use of astringents, and insisted upon the necessity of having a wet nurse and keeping the child away from its mother. There was nothing in my treatment which would indicate what I considered the cause to be. I should have followed the same course for any form of discharge.

At the conclusion of this witness's evidence, Serjeant *Ballantine* said he should have to examine Mr. Orford at some length as well as Dr. Jones, and probably either Mr. or Mrs. Murray, and that would exhaust the case.

Lord *Penzance* asked if witnesses would be called on the other side?

Dr. *Deane*, Q.C., said that, with all respect for the Court, he must decline to answer that question at present.

The further hearing of the case was then adjourned until Wednesday next.

The following letters from the Prince of Wales were put in, but not read:—

“Sandringham, King's Lynn, January 13, 1867.

“MY DEAR LADY MORDAUNT,—I am quite shocked never to have answered your kind letter, written some time ago, and for the very pretty muffetees, which are very useful this cold weather. I had no idea where you had been staying since your marriage, but Francis Knollys told me that you are in Warwickshire. I suppose you will be up in London for the opening of Parliament, when I hope I may perhaps have the pleasure of seeing you and of making the acquaintance of Sir Charles. I was in London for only two nights, and returned here Saturday. The rails were so slippery that we thought we should

never arrive here. There has been a heavy fall of snow here, and we are able to use our sledges, which is capital fun.

"Believe me, yours ever sincerely,

"ALBERT EDWARD."

"Monday.

"MY DEAR LADY MORDAUNT,—I am sure you will be glad to hear that the Princess was safely delivered of a little girl this morning and that both are doing very well. I hope you will come to the Oswald and St. James's Hall this week. There would, I am sure, be no harm your remaining till Saturday in town. I shall like to see you again.

"Ever yours most sincerely,

"ALBERT EDWARD."

"Marlborough House, May 7, 1867.

"MY DEAR LADY MORDAUNT,—Many thanks for your letter, and I am very sorry that I should have given you so much trouble looking for the ladies' *umbrella* for me at Paris. I am very glad to hear that you enjoyed your stay there. I shall be going there on Friday next, and as the Princess is so much better, shall hope to remain a week there. If there is any commission I can do for you there it will give me the greatest pleasure to carry it out. I regret very much not to have been able to call upon you since your return, but hope to do so when I come back from Paris, and have an opportunity of making the acquaintance of your husband.

"Believe me yours very sincerely,

"ALBERT EDWARD."

"Marlborough House, Oct. 13.

"MY DEAR LADY MORDAUNT,—Many thanks for your kind letter, which I received just before we left Dunrobin, and I have been so busy here that I have been unable to answer it before. I am glad to hear that you are flourishing at Walton, and hope your husband has had good sport with the partridges. We had a charming stay at Dunrobin—from the 19th of September to the 7th of this month. Our party consisted of the Sandwiches, Grosvenors (only for a few days), Sumners, Bakers, F. Marshall, Albert, Ronald Gower, Sir H. Pelly, Oliver, who did not look so bad in a kilt as you heard; Lacelles, Falkner, and Sam Buckley, who looked first-rate in his kilt. I was also three or four days in the Reay Forest with the Grosvenors. I shot four stags. My total was twenty-one. P. John thanks you very much for your photo; and I received two very good ones, accompanied by a charming epistle, from your sister. We are all delighted with Hamilton's marriage, and I think you are rather hard on the young lady, as, although not exactly pretty, she is very nice looking, has charming manners, and is very popular with every one. From his letter he seems to be very much in love—a rare occurrence now-a-days. I will see what I can do in getting a presentation for the son of Mrs. Bradshaw for the Royal Asylum of London, St. Ann's Society.

Francis will tell you result. London is very empty, but I have plenty to do, so time does not go slowly, and I go down shooting to Windsor and Richmond occasionally. On the 26th I shall shoot with General Hall at Newmarket, the following week at Knowlsley, and then at Windsor and Sandringham before we go abroad. This will be probably on the 18th or 19th of next month. You told me when I last saw you that you were probably going to Paris in November, but I suppose you have given it up. I saw in the papers that you were in London on Saturday. I wish you had let me know, as I would have made a point of calling. There are some good plays going on, and we are going the rounds of them. My brother is here, but at the end of the month he starts for Plymouth on his long cruise of nearly two years. Now I shall say good-by, and hoping that probably we may have a chance of seeing you before we leave,

"I remain, yours most sincerely, "ALBERT EDWARD."

"White's, Nov. 1.

"MY DEAR LADY MORDAUNT,—Many thanks for your letter, which I received this morning. I cannot tell you at this moment the exact height of the ponies in question, but I think they are just under fourteen hands, but as soon as I know for certain I shall not fail to let you know. I would be only too happy if they would suit you, and have the pleasure of seeing them in your hands. It is quite an age since I have seen or heard anything of you, but I trust you had a pleasant trip abroad, and I suppose you have been in Scotland since. Lord Dudley has kindly asked me to shoot with him at Buckenham on the 9th of next month, and I hope I may, perhaps, have the pleasure of seeing you there.

"Believe me, yours ever sincerely,

"ALBERT EDWARD."

"Sandringham, King's Lynn, Nov. 30.

"MY DEAR LADY MORDAUNT,—I was very glad to hear from Colonel Kingscote the other day that you had bought my two ponies. I also trust that they will suit you, and that you will drive them for many a year. I have never driven them myself, so I don't know whether they are easy to drive or not. I hope you have had some hunting, although the ground is so hard that in some parts of the country it is quite stopped. We had our first shooting party this week, and got 809 head one day, and twenty-nine woodcocks. Next week the great Oliver is coming. He and Blandford had thought of going to Algiers, but they have now given it up, and I don't know to what foreign clime they are going to betake themselves. I saw Lady Dudley at Onwallis, and I thought her looking very well. I am sorry to hear that you won't be at Buckenham when I go there, as it is such an age since I have seen you. If there is anything else (besides horses) that I can do for you, please let me know, and

"I remain, yours ever sincerely, "ALBERT EDWARD."

"Sandringham, King's Lynn, Dec. 5.

"MY DEAR LADY MORDAUNT,—Many thanks for your letter, which I received this evening, and am very glad to hear that you like the ponies, but I hope they will be well driven before you attempt to drive them, as I know they are fresh. They belonged originally to the Princess Mary, who drove them for some years, and when she married, not wanting them just then, I bought them from her. I am not surprised that you have had no hunting lately, as the frost has made the ground as hard as iron. We hope, however, to be able to hunt to-morrow, as a thaw has set in. We killed over a thousand head on Tuesday, and killed forty woodcocks to-day. Oliver has been in great force, and as bumptious as ever. Blandford is also here, so you can imagine what a row goes on. On Monday next I go to Buckenham, and I am indeed very sorry that we shall not meet there. I am very sorry to hear that you have been seedy, but hope that you are now all right again.

"Ever yours very sincerely,

"ALBERT EDWARD."

"Thursday.

"MY DEAR LADY MORDAUNT,—I am sorry to find by the letter that I received from you this morning that you are unwell, and that I shall not be able to pay you a visit to-day, to which I had been looking forward with so much pleasure. To-morrow and Saturday I shall be hunting in Nottinghamshire, but if you are still in town, may I come to see you about five on Sunday afternoon? And hoping you will soon be yourself again,

"Believe me, yours ever sincerely,

"ALBERT EDWARD."

"Sunday.

"MY DEAR LADY MORDAUNT,—I cannot tell you how distressed I am to hear from your letter that you have got the measles, and that I shall in consequence not have the pleasure of seeing you. I have had the measles myself a long time ago, and I know what a tiresome complaint it is. I trust you will take great care of yourself, and have a good doctor with you. Above all, I should not read at all, as it is very bad for the eyes, and I suppose you will be forced to lay up for a time. The weather is very favourable for your illness; and wishing you a very speedy recovery,

"Believe me, yours most sincerely,

"ALBERT EDWARD."

"Sunday.

"MY DEAR LADY MORDAUNT,—Many thanks for your kind letter. I am so glad to hear that you have made so good a recovery, and to be able soon to go to Hastings, which is sure to do you a great deal of good. I hope that perhaps on your return to London I may have the pleasure of seeing you.

"Believe me, yours very sincerely,

"ALBERT EDWARD."

“ Sandringham, King's Lynn, Nov. 16.

“ MY DEAR LADY MORDAUNT,—I must apologise for not having answered your last kind letter, but accept my best thanks for it now. Since the 10th I have been here at Sir William Knollys' house, as I am building a totally new one. I am here *en garçon*, and we have had very good shooting. The Duke of Cambridge, Lord Suffield, Lord Alfred Paget, Lord de Grey, Sir Frederick Johnstone, Chaplin, General Hall, Captain (Sam) Buckley, Major Grey, and myself composed the party; and the great Francis arrived on Saturday, but he is by no means a distinguished shot. Sir Frederick Johnstone tells me he is going to stay with you to-morrow for the Warwick races, so he can give you the best account of us. This afternoon, after shooting, I return to London, and to-morrow night the Princess, our three eldest children, and myself, start for Paris, where we shall remain a week, and then go straight to Copenhagen, where we spend Christmas, and the beginning of January we start on a longer trip. We shall go to Venice, and then by sea to Alexandria, and up the Nile as far as we can get; and later to Constantinople, Athens, and home by Italy, and I don't expect we shall be back again before April. I fear, therefore, I shall not see you for a long time, but trust to find you, perhaps, in London on our return. If you should have time, it will be very kind to write me sometimes. Letters to Marlborough House, to be forwarded, will always reach me. I hope you will remain strong and well, and wishing you a very pleasant winter,

“ I remain, yours most sincerely,

“ ALBERT EDWARD.”



FEB. 23.—FIFTH DAY.

THE public interest which has been felt in this remarkable trial culminated to-day, when, in accordance with a widely-extended expectation, his Royal Highness the Prince of Wales, having tendered himself as a witness, appeared in Court, and gave evidence in the case. The earlier part of the day was occupied in the examination of Mr. and Mrs. Murray, and other witnesses, in aid of Sir Charles Mordaunt's view of the question at issue; and when, at three o'clock, Serjeant Ballantine concluded their testimony, a general flutter arose in the Court, in anticipation no doubt that Dr. Deane would rise and inform the Judge that he intended to call witnesses to rebut certain parts of the case stated by the other side. The Court was at this time quite full. In the gallery which runs all round overhead were many of the principal personages indirectly concerned, or intimately interested in the case, including several ladies whose painful duty it has been to appear as witnesses. The body of the Court was filled with barristers, solicitors, witnesses, newspaper reporters, and other spectators. The Bench, whereon Lord Penzance sat alone, and the jury-box occupied by the twelve men solemnly attending to the trial, were the only places undisturbed by the pressure of the throng.

As Serjeant Ballantine sat down, Dr. Deane rose, and in low and measured tones said that as the name of the Prince of Wales had been mentioned, he thought it his duty, having regard to the position of his Royal Highness, to call him as a witness. He added that Sir Frederick Johnstone, who had been referred to in a most marked manner, would also be called.

“ His Royal Highness the Prince of Wales’ ” was then called by that style and title. A door communicating with an ante-room in the rear of the Court, from whence previous witnesses had come, was opened, and the Prince of Wales was ushered in to the witness-box, which is in fact merely a rail separating the witnesses from the Bench, and is close to the door and the jury-box.

His Royal Highness took the place pointed out to him, where the other witnesses had stood, he bowed to the Judge, and quietly, and with perfect ease and self-possession, took the Testament which was handed to him to be sworn upon. Every one in Court remained seated ; nor was there, indeed, any difference between the treatment accorded to his Royal Highness and that extended to any other witness, other than that the Testament was opened, and the Prince was allowed to press the inside of the volume instead of the board to his lips in taking the oath.

As soon as his Royal Highness had by that sign pledged himself to give the answers to such questions as should be asked of him, Lord Penzance interposed, by informing him that, under a recent statute, he was not obliged to answer any question that might implicate him in adultery.

The Prince made no answer to this formal caution.

Dr. Deane then proceeded to put the questions which were essential to elicit the evidence which his Royal Highness had to adduce. Intense interest and expectation were shown by all in Court to hear the answers ; and even the learned Counsel himself did not seem to be exempt from the general feeling, when, in subdued and respectful tones, he began the examination. In reply to the first question, as to whether he had been for some years acquainted with the Moncreiffe family, the Prince, in saying that he had, spoke in a firm, manly, and slightly hoarse voice, which, though not raised beyond a con-

versational pitch, was distinctly heard throughout the whole Court.

In the questions which followed, as to the acquaintance with Sir Charles and Lady Mordaunt, the Prince spoke with equal clearness and firmness. On that account no doubt it was that the sympathies of the audience seemed to be at once with the witness, and there was not improbably a feeling already that he would be able to clear himself of the imputations which had been made against him.

The same calm and undisturbed demeanour was preserved by the Prince of Wales when, after leading gradually up to the main point, Dr. Deane put the last and most crucial question of the examination, and asked whether there had been any improper act or familiarity between the witness and Lady Mordaunt.

"There was not," replied his Royal Highness; and so plainly did the words, though given without special emphasis, carry along with them an earnest of their honest truthfulness, that first a murmur of satisfaction, then a faint clapping of hands, and finally a decided and cordial, though not loud, cheer followed.

Whatever curiosity there might have been to hear the examination in chief, the feeling was no doubt heightened by speculation as to whether Serjeant Ballantine would cross-examine, and, if so, in what way. The learned Serjeant, however, took everybody by what was evidently an agreeable surprise when he simply said, "I have no questions to ask his Royal Highness."

Then the cheers which had before been subdued, if not faint, were given with great vigour, and, as his Royal Highness turned and left the box in a manner as undemonstrative as that in which he entered, he received a marked ovation. It was, indeed, observed more than once among

those who had watched the case throughout, that the Prince of Wales was by far the most self-possessed and undisturbed witness that had appeared in the course of this remarkable trial.

The impression created by his Royal Highness was unquestionably satisfactory. There was an obvious feeling of relief when it was found that he was able not only to deny the chief accusation made against him, but to give a more innocent colour to circumstances which, if left unexplained, were likely to be misconstrued.

Sir Frederick Johnstone was next called. He naturally appeared to be irritated at the extremely painful character of the gross imputations he had to meet; and in the replies which he gave to the questions of Counsel, Sir Frederick allowed himself more than once to amplify and intensify his answers.

Outside the Court in Westminster Hall a crowd, sufficiently large to require several policemen among them to keep the way clear, stood patiently waiting to hear the result of the day's proceedings.

It is understood that Sir Frederick Johnstone's evidence was given in consequence of the following demand on the part of his solicitors:—

“DEAR SIRS—Before the Mordaunt case is again resumed, we address you by desire of Sir Frederick Johnstone.

“In the course of these preliminary proceedings to try the issue of Lady Mordaunt's sanity, Sir Frederick Johnstone's name has been mentioned, and charges have been made against him in a manner the most unjustifiable, and, as we believe, wholly without precedent.

“We say nothing of the hardship and injustice of having such foul imputations made against him in a proceeding to which he is no party, and in which his Counsel are precluded from interfering or uttering a word in his defence, but they have been avowedly put forth without a tittle of evidence to support them, and Sir Charles Mordaunt's own evidence negatives the possibility of their truth. Beyond this, as we are instructed, they are absolutely and entirely false.

"As the only means of promptly contradicting these charges, we are instructed to tender Sir Frederick Johnstone as a witness in the present proceedings on Lady Mordaunt's behalf, and to call upon you, in the interest of justice and fair play, to give him the opportunity he desires by calling him at the earliest possible moment, and allowing him to offer, through your medium, such other evidence as his Counsel may advise in confirmation of his own testimony.

"We are, dear sirs, yours very faithfully,

(Signed) "BAXTER, ROSE, NORTON, & Co.

"6, Victoria-street, Westminster Abbey, S.W., Feb. 22.

"Messrs. Benbow and Saltwell, 1, Stone-buildings, Lincoln's Inn."]

NOTWITHSTANDING all the rumours to the contrary, the evidence was proceeded with in this case this morning, and occupied the whole of the day. The Court was more crowded, if possible, than on any previous day, there being a tremendous rush on the opening of the doors.

The same learned counsel appeared in the case as on previous occasions.

The first witness called was

Mrs. Herbert Murray. She was examined by Mr. *Inderwick*, and gave her evidence in such a very low tone of voice that it was almost impossible to hear a word she said distinctly. In answer to questions from Mr. *Inderwick* the witness said—My husband is a relation of the Moncreiffe and Mordaunt families. He is an uncle of Sir Charles Mordaunt. On the 17th of September I went to Bickley, and remained there till the 28th. We went to the Crystal Palace when I was there. I spent all my time with Lady Mordaunt. I had several conversations with her. On one occasion I had a long conversation with her. I said to her "I hope you will come to London in the winter; I am afraid that it will be so dull for you here," and she said, "I hope I shall, but baby must come too." We then spoke of Mrs. Cadogan, and I said, "Mrs. Cadogan is a great friend of yours." She made no reply; but a little afterwards she said, "Why do you come ferreting here?" I said I did not come ferreting. She said, "Why did Charlie go wandering about to other ladies?" After I said "I don't come ferreting," she said, "I hope you will not make your daughter marry a man she don't care for." I said, "Surely you can't say that about Charlie," and she said, "I did not when I married him, but I did afterwards." I said to her, "How could you do such foolish things; surely you could not have cared for all these men?" and she replied, "I did not, only for one." I said nothing more.

Mr. *Inderwick*.—Did you say anything to her about your being ready to be a friend to her?—Yes, I told her that I had come to stay with her for her good, and I would be a friend to her. She said, "I know that I am very wicked, but I did not know it at the time."

Had you any conversation with regard to a divorce case that had recently come before the public?—Yes; she said, "I have no patience with the men. It is we who have to bear all the ignominy."

On the 28th of October did Lady Mordaunt come to your house in Chester-square?—Yes.

By Lord *Penzance*.—The long conversation to which I have spoken was on a Sunday afternoon.

By Mr. *Inderwick*.—I had conversations with her on various subjects every day, and she spoke perfectly rationally and sensibly.

You never saw anything wrong in her conversation?—She would not answer very quickly.

By Mr. *Inderwick*.—But when she did she answered very rationally. On the 8th of October she came to my house with her maid Barker, and was there all day in the society of myself and husband. She arrived about eleven o'clock in the morning. When she first came I told her that my husband had gone out, thinking that she was not coming. There had previously been an arrangement between my husband and her that she was to come that day. I asked her why she came in a cab, and not in her carriage. Her maid gave a reason, but she did not. Very shortly afterwards my husband came in, and he and Lady Mordaunt went out for a walk. I stayed at home, because I was expecting Mr. J. Fiennes, who I believe is her uncle. He married a sister of Lady Louisa. When my husband and Lady Mordaunt came back, Mr. J. Fiennes had arrived, and General Arbuthnot. I saw Lady Mordaunt in the room with that gentleman, and heard them talking together, but I did not know what the conversation was about. While they were talking Mr. Herbert Murray and Mr. Fiennes came into the room. General Arbuthnot was about a quarter of an hour in the room. As he was going out of the room, she said, "Why did you not introduce me to General Arbuthnot?" In the afternoon she went out walking with Mr. Fiennes. During all the time she was with me she perfectly understood what she was doing. I did not see her again till the 23rd of November. I did not notice the change in her then so much as later.

Cross-examined by Dr. *Deane*.—Bird, the butler, went to the Crystal Palace with us. She behaved perfectly rationally in every respect but one. She wished to sit down in a weighing chair. I said she had better not, and she then sat down on the ground in the garden, and said she was so tired. This was on the 21st of September. She got up immediately I asked her to do so. I have not seen Mr. Fiennes here to-day. I am sure it was the 28th of October when she came. Mr. Fiennes did on one occasion make a communication to me as to the way in which Lady Mordaunt behaved on that day. [A letter handed to witness.] I never saw that letter before, or a copy of it. I am not aware whether there was a person of the name of Osborne at Bickley. I knew nothing of that letter till I saw it in the paper the other day. I know Miss Parsons. I cannot tell when she left Bickley. I believe it was the day after I came. I saw both the doctors who attended Lady Mordaunt at Bickley. They were Drs. Wood and Hughes. They made a communication to me.

The witness seemed to hesitate a little here, and Lord *Penzance* asked her if she objected to answer, but she said she did not.

Cross-examination resumed.—Sometimes Lady Mordaunt would not answer at all. I have noticed her make occasional pauses in her movements. I have seen great pauses both in her conversation and walking. This was at different times. I have not spoken to Lady Mordaunt about what I have heard from the doctors and servants. Mr. H. Murray, Dr. Wood, and myself dined there. On that occasion Lady Mordaunt sat at the head of the table. She began to help the soup, and when she had served one or two she stopped suddenly, and could not go on. Mr. Herbert Murray is here to-day.

Do you think that from the 17th to the 28th of September Lady Mordaunt was perfectly in her senses?—I did not think she was insane.

Did you think that she was shamming?—To a certain degree I think she might have been, but her mind was not so capable as it would have been if she was in perfect health.

Why do you think she was shamming to a certain degree?—On account of the conversations she had had with me. Her acts were sensible enough.

If her acts and conversation were sensible, what makes you say you think she was shamming?—Her manner was not so.

Lord *Penzance*.—Do you think that sitting down on the gravel walk was a sensible act?—She said she was tired, and there was no chair there.

By Dr. *Deane*.—She laughed hysterically and in a very peculiar manner. She could laugh at appropriate times.

Re-examined by Serjeant *Ballantine*.—If there had been no question of her sanity I should consider her hysterical. She appeared to have a good memory. I never referred to the conversation again. She did not know Dr. Wood was coming. She had been behaving perfectly before he came. There was an alteration in her manner. She appeared interested in a book she was reading by Lord Desart. The moment Dr. Wood came in a change came over her, and she would not answer.

Mr. Herbert Murray, examined by Dr. *Spinks*.—I visited Lady Mordaunt at Bickley on the 25th of September. She walked with me in the garden. I began by saying “I have heard you two ladies have been quarrelling.” She said they had, and I replied that I supposed they had nothing better to do. She asked me about the news in London, and I told her it was rather dull; that the only news was about an unfortunate Scotch lawyer who had been found with his throat cut, and she replied, “A very good thing too; there are too many lawyers in the world. Charlie has turned lawyer lately, but I don’t think he will do himself much good by it.” (Laughter.) She turned the conversation, and asked me whether there were any good plays going. I told her I could not tell, for I very seldom went to them. We talked about Walton Hall, and she asked me whether I had got any old servants. I replied no. She said they were very troublesome to her, and Caborn let them do as they liked. I asked who was coming to stay with her when Mrs. Murray went, and she said she

should write for her sister. I said I thought she was in Scotland. This was on the Saturday. I was with her a good deal on Sunday. We drove to Hayes Church, but when we got there she said that she would rather not go in. We then drove round the common. In the afternoon we went out for a walk. We went to Chislehurst, and I asked whether she would like to go in, telling her that there might be some good music. We went in and remained till the close of the service. I afterwards had a conversation with her in the garden. She said she should very much like to go back to Walton. I replied, "You know, Harriet, you can never go back there." She said, "Why not?" I repeated, "You know perfectly well, Harriet, that you never can go back there;" and she then said, "Why does not Charlie come and tell me so?" I said, "He has done so already by letter." She said nothing more. She asked me whether I could give her any advice. I said, "You can hardly expect it from me, for you will naturally be suspicious of me, knowing that I am Charlie's uncle;" and I added, "I suppose you do suspect me, don't you?" And she said, laughing, "Yes, I do." I said, "The only thing I can advise you to do is to write to your uncle Fiennes; he is in England." The rest of her relations were in Scotland. She said she should like to see him. The conversation ended by her saying she would write to him; and she thanked me, and said she never had any advice before. My idea was that Mr. Fiennes should come and ask Dr. Wood about it. I arranged that Lady Mordaunt should come to my house and see him.

Lord *Penzance*.—When was this conversation?—The last Sunday in September. I saw her when Dr. Wood was in company with us. We dined together. • Lady Mordaunt appeared to be quite in her right mind, and laughed at the stories that were told at the dinner table. She laughed in the right places. We went into the garden and began talking. I drove home again. On the way home Lady Mordaunt had the toothache. Driving home she was very silent. I talked to her of these fits of silence, and called them the fits of the blues. I was there when Miss Parsons arrived. I had been talking to her just before.

To Lord *Penzance*.—Miss Parsons is no relation.

Examination continued.—When Miss Parsons was introduced, Lady Mordaunt stood up, looked at her, and left the room. At dinner she was watching Miss Parsons all the time, but did not speak. I played a rubber with Lady Mordaunt. She had the toothache, and I suggested she should go to a dentist's in London. She went to town next day, and I went with her. We tossed up whether she should go, and it was against it; but she seemed sorry, and we went. On that day I walked with her down Regent-street. She looked at the jewellers' shops. She noticed a dress in Redmayne's window, and we stopped looking for some time. I had seen the dress a week before, and told her that I would show her a dress that she had seen before. She said, "It is not the same; it has larger spots." She was right, of course. We returned to Bickley that day, and I stayed till Wednesday morning early. I had from time to time various conversations with her. This was on the 27th of October, and I told

her that it was fixed that she should come to see Mr. Fiennes on the following day. On the 21st of November I saw her.

Cross-examined by Dr. *Deane*.—She was in a bad temper on that day. I don't think her conversation was so good as on previous occasions. The last time I saw her was the 25th or 26th. I thought she was better then than on the previous Sunday. She was quite as rational as ever I saw her in my life. I have not seen her since November. Her conversation was rational as a rule; but sometimes she delayed in her answers. When I first saw her at Bickley, the only time I noticed there was a difference was when she turned round in the garden and shook hands with me. On the Sunday we drove out, she was not restless then; she was restless after. I first noticed it on the 27th of October when in London. She kept going in and out of the room. The change of manner before Dr. Wood was not brief. She listened, but did not talk. I think she understood what we said, as she laughed at the right moment. I have seen her laugh at the wrong moment, when she laughed hysterically. She would laugh sometimes without any apparent reason. I have spoken to Dr. Wood about Lady Mordaunt. On the Sunday I got down Lady Mordaunt walked in the garden. It was that day I told him that I had advised her to select a confidante. I did not tell him that I had failed to excite any evidence that Lady Mordaunt understood me. I did not tell him that she had not kept up any sustained conversation. I am sure of it. I have no recollection of telling Dr. Wood that I did not think she could give proper instructions for her defence.

Dr. *Deane*.—May you have said so?

Witness.—I did not, I think; but if Dr. Wood says so——

Dr. *Deane*.—Then you wont swear you did not?

Witness.—No. Miss Parsons was a relation of Mr. Haynes, Sir Charles's solicitor. She came at my suggestion. I know nothing of the letter [produced]. I never saw it till in Court. I never heard of a Mrs. Osborne being with Lady Mordaunt at Bickley. At the first conversation she told me something about Cobbe not letting her do something or another with reference to the poor. I think she meant first to speak to me about Bird, the butler. My impression was not that Bird would not let her do as she liked to the poor. In fact I think she changed her mind.

Dr. *Deane*.—Do you think she was shamming?

Witness.—She spoke with mental reserve.

Dr. *Deane*.—You think she was shamming?

Witness.—I think she meant to speak of Bird, as he was in the house.

Cross-examination continued.—I heard that she had complained of Bird once or twice.

To Lord *Penzance*.—My impression was that she was not straightforward. I think, my Lord, that she was shamming. At the time this conversation took place I had had no communication with the servants of Dr. Wood; subsequently I had. I considered she never shammed to me but during the first two days. I don't think, on the

whole, she was as well as in November. She was then in her senses.

To Lord *Penzance*.—I mean in full possession of her faculties.

Cross-examination continued.—The only time I had doubts of it was during that ride down Chislehurst Hill on the Sunday afternoon. I used to call these fits of silence fits of the blues. I asked if when she was in one of them she knew what was going on. She said, "Yes, I am thinking, and can't answer." I don't think those fits were assumed after the first two days. Mr. Fiennes talked and walked with her on the 28th of October.

By Mr. Serjeant *Ballantine*.—I knew her slightly before marriage. I have only seen her two or three times. From what I saw of her, she seemed to be dull at the place she was at. She asked me to take her to London to see the play. There was no amusement where she was, except driving and going out. Bickley is near Bromley, and is not a very lively place in September.

Serjeant *Ballantine* said that the witness Johnson stated that he had made entries in his diary from a paper. He was now present with the paper.

Lord *Penzance* did not think it important for him to be recalled.

Florence Stephen, examined by Mr. *Inderwick*, said—I am the cook at Walton Hall. Before Lady Mordaunt's confinement I took orders for the luncheon and dinners from her. I saw her after her confinement. I only saw her occasionally. I went to Bickley on the 8th and left on the 17th of September. I saw Lady Mordaunt every morning, and took orders for luncheon and dinner from her. I had a slate and wrote on it the list of the dinner. Sometimes she altered what I had put down. When I arrived I went into the room. She said, "Stephen, how are you; are you quite well?" I said, "How is your Ladyship?" and she said, "I am getting on very well." Lady Mordaunt then inquired about the people at Walton. I had put up some flowers, which she said were rather too much blown. They were too much blown. She sometimes spoke about the dinner—about things she liked, and things she did not care for. Her observations were sensible. On the Friday after I got there she asked me if I found the kitchen convenient. I said yes, and she replied, "It is rather small," which was really the case. I remember Miss Moncreiffe going away. Barker waited at dinner, and Lady Mordaunt asked where Bird was gone. I said to the station; and she said, "Why has he left me like that?" I remember some grouse coming on the Saturday. I brought a rabbit to luncheon, and she said she would have one for dinner. I remember a wild duck coming, and she said, "It is one of Taylor's, from Walton." I said it was from the Park; Taylor had lost all his ducks. She smiled, and said, "Poor Taylor." (Laughter.) The day before I left she said she should like me to make some white soup for the baby, and I did. I left Walton. I told her when I was going, and added, "Caborn is coming." She said, "I never get any letters now; the postman must be dead." On the 11th she asked me to make up my account. I told her I had made it up, and had been

paid. She said, "Who by?" I said, "Bird," and she made no answer. During the time I was at Bickley I saw her every day. I saw nothing to show that she was of unsound mind. She seemed to know what was going on.

Cross-examined by Dr. *Deane*.—Sir Charles sent me to Bickley. I went because of Mrs. Caborn leaving. The orders I took from Lady Mordaunt from time to time. I never received money from her at Bickley. During the nine days I was at Bickley, Bird, Barker, the housemaid, the housekeeper, and kitchen-maid were there.

Dr. *Deane* wished to refer to a letter in Osborne's handwriting; but it could not be found, and Serjeant *Ballantine* said it was in Miss Parsons's.

Dr. Frederick James Orford said—I am a member of the Royal College of Surgeons, and practise in the neighbourhood of Walton. I have been in practice thirteen years, and since I have lived at Welburn I have attended on Sir Charles's family. I have attended on Lady Mordaunt for trifling matters and others. I attended her for a miscarriage. She might be a person of hysterical habits, but I did not consider her so. It was intended that she should be confined in London, and a house was taken. The birth was, however, premature. On the Sunday I went in at six o'clock. I put her under chloroform. She suffered rather less in the labour than most people. From various circumstances I thought it an eight months' child. In my judgment it might have been a full period child. After the delivery I thought that she was very comfortable. I saw her the following day, and continued to see her from day to day. I know what puerperal mania is and puerperal fever. I have not attended any case of puerperal mania. Lady Mordaunt had no symptoms of any kind. Excluding matters about other individuals, she never showed signs of delusions. She required rather less medicine than usual. There was not to my knowledge a burning head or other sign of puerperal fever. There were more of the indications that follow fever. I am prepared to say that while I attended her she was not suffering from fever. I visited her every day up to the 18th of March. I generally saw her twice a day, but sometimes only once. Her mother came and stopped about a week, and at that time, as regarded the confinement, Lady Mordaunt was in a satisfactory state. I had conversations with the mother about her daughter.

To Lord *Penzance*.—I visited her; but was not attending her before her confinement.

Cross-examination continued.—It was on the Thursday that I noticed the child's eyes. The eyes were very bad. Lady Mordaunt once spoke to me about it. I tried gentle remedies to the eyes, but they were of no use, and Dr. Solomon was called. The simple remedies went on and succeeded. I saw her two days before she left Walton. It is my opinion that during my attendance she was perfectly sane.

To Lord *Penzance*.—I mean that from her confinement she was perfectly right in her mind the whole time.

Cross-examination continued.—I saw her at Worthing on the 10th

of July. I had conversation with her then. I went into the room three times, and I might possibly have been there five minutes at a time, except the second time, when I was there rather more. There was nothing then to lead me or to induce me to believe that she was not in her senses. Puerperal fever required very decided treatment. I never met with a case of puerperal mania. I have seen people with mania, which is really another name for madness. There was no sign of madness about Lady Mordaunt whatever.

Lord *Penzance*.—Not at any time at all?—No.

By Serjeant *Ballantine*.—Did she rave at all at any time?—No; nor have I ever heard she has. She expressed herself in monosyllables. If that is incoherent, she was so. She slept well. She did not talk excessively. She was not weaker than I should expect a woman to be who had been recently confined. I was given an opportunity of meeting the other doctors, but did not. They learnt nothing from me.

Serjeant *Ballantine*.—I mean Dr. Tuke and others in May?—No.

Cross-examined by Dr. *Deane*.—I have seen Lady Mordaunt recently. Her mind is completely gone. On the 10th of July I think I must have seen her about ten minutes or a quarter of an hour. There were three other gentlemen who saw her with me at Worthing. She was at that time perfectly in her senses.

Lord *Penzance*.—Nothing at all wrong?—Nothing whatever. Last week I went by Serjeant Ballantine's request. The usual weight of an infant born at eight months is from four to five pounds. I have heard that Lady Mordaunt's only weighed $3\frac{1}{2}$ lbs. I do not know that there is an alteration in the pulse of a woman suffering from puerperal mania from my own experience, only from what I have read. I called in Dr. Jones, because I did not like the responsibility of the case. She was going on all right.

Lord *Penzance*.—What was the reason, then, of calling in Dr. Jones?—I saw that there was a great deal likely to come afterwards, and I wanted to have some one at my back.

By Dr. *Deane*.—It was on the 8th that I called in Dr. Jones. I did not think it necessary to take any unusual precautions against excitement. I never saw any nervous attacks, or observed loss of memory. I never tested her memory. I saw that she was prostrate from excitement.

Lord *Penzance*.—But you never saw her excited?—No, my lord, it was prostration from excitement, but I was not present when she was excited. I called in Dr. Jones on the whole case, and not because her nervous system was prostrated. I am quite sure she was not hysterical. I did not tell Sir Charles that she was prostrate from nervous excitement, or that she was hysterical. I did not tell Sir Charles that her state was entirely hysterical, and not at all dangerous. I did not tell him that on the 12th of March or at any time. I should say that cataleptic hysteria is a state of hysteria that took the form of catalepsy. I did not tell Sir Charles that it was a form of cataleptic hysteria. I did not agree with Dr. Jones on that point, and I told Sir Charles so throughout. I attended the child for the eyes twenty-

four days. That is a long time. This was the third case I had attended. I visited Lady Mordaunt up to the 18th of March daily, and made occasional visits to her afterwards. The witness then stated his opinion that Lady Mordaunt was suffering from specific disease. He went on—I thought it necessary to get some one to confirm my opinion. I saw her afterwards about twice a week. I saw Sir J. Simpson.

Did you not refuse to give Sir J. Simpson any account of the state of Lady Mordaunt at the time of her confinement?—I did virtually, and I also refused information to Dr. Priestley. I considered there were two sides to the question. I knew that they came down in the interest of the other side. I refused to meet Sir J. Alderon and Dr. Take. Lady Mordaunt appeared to me to be shamming on the Monday, the 8th, after the confinement. I saw her then at eleven o'clock. She did not put on any appearance, but simply would not speak. From that time to the 13th of May she appeared to be shamming more or less. I heard the evidence of the other medical men. She would not speak to me. The only symptoms she exhibited were silence and a fixed look.

Lord *Penzance*.—Is that what you say Dr. Jones considers cataleptic hysteria?—Yes.

And you disagreed with him?—Yes; I thought it was all done on purpose.

By Dr. *Deane*.—Her present state is that of a mind altogether gone. She cannot apprehend anything that is said to her.

Lord *Penzance*.—How did you ascertain that?—By watching her countenance. When I mentioned circumstances to her there was not the slightest change in the muscles of her face.

Dr. *Deane*.—But how do you distinguish between the two cases?—The first time there was some expression of intelligence in the face, and particularly in the eyes, though there was generally a fixed look.

But there was a fixed look before?—But still there was an expression of intelligence. The next time I saw her there was the same fixed look, but less intelligence.

How do you describe intelligence?—Of course there is a natural expression from the eyes though they are in a fixed position. There was less intelligence than usual.

Do you think she was shamming?—I do.

Then why don't you think she is shamming now?—Because I cannot make the slightest impression upon her.

Could you then?—Yes. Then I could get an answer if I repeated a question several times, but now I can get none at all.

I am particularly anxious to have the details of this last visit.—I went into the room and found Lady Mordaunt sitting by the side of the fireplace. I went straight up to her and said, "How do you do?" She gave me her hand in a very dull way, and I sat down by her side. I began to talk about Walton and a hunting breakfast which she was prevented from going to, and reminded her how vexed she was. I asked if she recollected it, but she made no answer at all.

But she had done that on many occasions?—Yes.

I want you to distinguish the last occasion from the previous ones.

—There was no perception at all this time.

Did you try her with your hand on her pulse like the other doctors?

—No, not at any time.

Lord *Penzance*.—I want to ask you a few questions about this lady's position the second week after her confinement, on Monday, the 8th, up to the time you called in Mr. Jones. Did you notice anything at all the matter with her mind?—No.

Is this description of her state a true one—"The doctors say that her nervous system is so prostrate that she cannot be persuaded to get up or take food. She hardly knows me, and seldom understands what is said to her?"—I do not consider that a true description.

Is this—"Lady Mordaunt remains much in the same state. She takes more food, but remains quite still, without ever speaking or understanding anything that is said to her. She is out of bed, and in the sitting-room. All has been done that is possible to rouse her from her apathetic state?"—I don't consider that that is a true description.

Lord *Penzance*.—Attend to this. "Harriet is not going on quite so well (this is on Friday) as we could wish. Orford says there is no cause for anxiety, but she is so excitable and nervous that it is impossible to get her to take food." Is that true?—I don't consider so. I never saw her so.

Is this true—"Though not at all feverish, she wanders a good deal in her mind, and cannot understand what is said to her?"—No.

"She remains in the same state. The doctors still say it is hysterical, and there is no danger. She sleeps well. The doctors call it cataleptic hysteria." Is that a true description of her condition?—I do not consider that that is a true description.

Mr. Robert Jones, examined by Serjeant *Ballantine*, said—I am in practice at Leamington, and have been for forty years. I have had experience in cataleptic hysteria. When I saw Lady Mordaunt the first time, the 10th of March, she was not suffering from that disease. I saw her again on the 11th and 12th. On neither of those days was she suffering from puerperal mania. I saw her on the 26th; she was better, and then there were no signs of puerperal mania. I was sent for, and arrived in the evening. They were at dinner, and I dined with them. I went into the sick room, and I found Lady Mordaunt without the least sign of fever. I felt her pulse, made inquiries, questioned her, and got no reply. I found that she had had no food for some time, and I ordered her some beef-tea. There was no fever, but I thought my visit so unsatisfactory that I told Sir Charles I must come again. I came next day. I asked Mr. Orford about "the mystery," and he said I had better find out for myself. I thought it better to arouse her. On this second occasion I thought there was a hysterical condition dependent on mental emotion, which would account for her silence. I mean something on the mind that affected her spirits, and from an observation from Sir Charles I imagined she

had something on her mind. I saw her next day and there were no signs whatever that she was suffering from insanity. I think she was capable of understanding what was said to her, and was intelligent in her replies. I saw her again on 26th March, in April twice, and on the 12th of May. On none of those days was she mentally incapable. In my conversation I found that she would not reply sometimes. On my visit on the 26th of April her mind was sane, she answered questions rationally and reflectively. She asked my address and I gave it her. She asked me when Sir Charles would return, and burst into tears, and said she was much better. To account for being there, I said Mr. Orford tells me that the baby has a mother's mark. I got into conversation. She went into the conservatory with me. I afterwards had tea with her, and she wished me good-by. The last time I saw her was in May. I believed her to be generally sane. I had heard it suggested otherwise. I knew Sir James Simpson had been down, as he called on me. I mean that what she was suffering from arose from the weight of trying circumstances there were on her mind, but there was nothing to make me believe her insane.

By Dr. *Deane*.—The appearances were not such as indicated the disease of the brain. I thought the weight on her mind would make her do anything. In my opinion her state was quite inconsistent with any kind of mania I have ever seen. I saw her with Drs. S. Reynolds, Burrows, and Orford. I talked to her, but I could rarely get any answer, and when I did, it was a rational one. There was great taciturnity, but she looked well and beautiful. On the 10th of July her state was different from May, so far that I could get very few replies. Her state was then inconsistent with her mania, remembering the antecedent circumstances. I mean what I saw and what I knew of her at Walton. Cataleptical hysteria was a condition of the nervous system, where there is great debility; but where there is a nerve force independent of bodily force. By reflex action it affected the spinal cord. Lady Mordaunt, except by silence, did not show much emotional embarrassment. During my first attendance I did not find her nervous system prostrate. Witness was not aware that he told Sir Charles that there was no cause for anxiety as long as she slept so well, as the nervous system would get better for the sleep. Cataleptical hysteria, if it lasted a long time, might affect the mind. He saw Lady Mordaunt a few days ago, but from such a visit he could not say much. He talked to her in a familiar way, but got no answer. She threw herself on the hearthrug. He went into the drawing-room with her; she threw herself on the sofa, and he could not get one single word from her. He really thought that her mind was impaired. A person whose brain was affected might have lucid intervals. Insane people often answered questions rationally, and referred to old events, names, and persons. That was consistent with his experience; but he doubted whether an insane person could speak a chain of conversation circumstantially true. Thought that a mother at the confinement was so much occupied with her maternity that she had no time to think of anything else. He did not think the remem-

brance of a frightful circumstance would unhappily recur at such a moment. It was probable that, as Sir James Simpson said, the organ gave a type to the insanity.

By Serjeant *Ballantine*.—Cataleptic hysteria was not in itself insanity. It was rigidity of the muscles, and was not always attended with a delusion.

Dr. Tyler Smith, examined by Serjeant *Ballantine*, said—I am a physician, and connected with several obstetric institutions, and was physician-accoucheur at St. Mary's. I have given great attention to the subject. Puerperal insanity is perfectly well recognised and known. Having heard the description of Dr. Orford of the lady in her confinement, I believe there was no puerperal mania following her confinement. I should expect a loss of intellect recognisable by everybody. The symptoms are great talking, incoherence, taciturnity, sulky silence. If the latter, there would be a constant tendency to dislike the husband and the persons about her. The moral and intellectual condition is perverted. He never saw a case of puerperal insanity where there was not a want of sleep. It followed a confinement, and might be dealt with after. It was a very intractable malady, and he had known it last a year or two years. During the state of insanity there would not be lucid intervals. Had heard of her statements to her husband. From what he had heard from Dr. Orford and Dr. Jones he had no question that there was an absence of insanity at the time they spoke of. Their opinion so soon after the confinement was worth more than the most skilled evidence after that time. Had heard a description of the child's eyes, and also the discharge, and he felt it impossible to form any conclusion as to it. He saw the respondent twice in December. He saw certain peculiarities in the case, but, after the most careful observation and thought, he said that he saw nothing in Lady Mordaunt which might not easily have been feigned, but he would not go further than that.

To Lord *Penzance*.—Assuming that she was not feigning, the appearances were those of dementia.

Examination continued.—He considered her health in a bad condition. She was plump and fat; but the circulation was bad. She had chilblains on her hands.

Cross-examined by Dr. *Deane*.—No one went with him to Bickley. Had consulted with Dr. Forbes Winslow. Puerperal mania assumed the phase of silence and taciturnity, and also a dislike to persons. Sleeplessness was a concomitant in both the excited and taciturn state. In puerperal mania, self-accusations of immorality were made. The patient's mind often ran on sexual matters. He had a history of the case supplied to him before he went down.

Serjeant *Ballantine* said that was the case for the petitioner.

Dr. *Deane* said that two persons' names were prominently mentioned, the Prince of Wales and Sir F. Johnstone, and he should call on both.

His Royal Highness the Prince of Wales was then sworn.

Lord *Penzance*.—Before your Royal Highness is asked any ques-

tions, it is my duty to point out to you the position in which you stand, and to inform you that the Act of 1868 provides by the 3rd section that no witness in any proceeding, whether he be a party to the suit or not, shall be liable to be asked, or be bound to answer any question tending to show that he has been guilty of adultery. In the course the case has taken, I think it is right to point out that your Royal Highness is not bound by law to submit yourself to any examination.

The Prince of Wales bowed to Lord Penzance, and then to Dr. Deane.

Dr. *Deane*.—I believe your Royal Highness has been for some years acquainted with the Moncreiffe family?—I have.

Were you acquainted with Lady Mordaunt before her marriage?—I was.

On Lady Mordaunt's marriage did you write to her, and make her some wedding presents?—I did.

Previous to Lady Mordaunt's marriage has she visited at Marlborough House when her Royal Highness the Princess of Wales was there?—She has.

We are told that Lady Mordaunt was married at the end of 1866; in the year 1867 did you see much of her?—I did.

And in the year 1868?—I did occasionally.

Were you acquainted with Sir Charles Mordaunt?—I was.

Have you frequently met Sir Charles Mordaunt?—I have.

With Lady Mordaunt?—With Lady Mordaunt.

Your Royal Highness knows a place called Hurlingham?—I do.

Have you been in the habit of meeting Sir Charles Mordaunt there?—Yes.

On one occasion, in 1868, was there a pigeon-shooting match at Hurlingham between the two counties of Norfolk and Warwick?—There was.

Your Royal Highness and Sir Charles Mordaunt were the respective captains of the two counties, I believe?—Yes; I think it was in June.

Was Lady Mordaunt there?—She was.

Did Lady Mordaunt score for you?—She scored for both sides.

In the course of that pigeon-shooting match did you speak to Lady Mordaunt at a time when Sir Charles Mordaunt was by?—I believe so.

In the course of this case we have heard that your Royal Highness uses hansom cabs occasionally. I do not know that it is material, but is it so?—It is so.

I will only ask you one more question. Has there ever been any improper familiarity or criminal act between yourself and Lady Mordaunt?—There has not.

This statement was received with a slight expression of applause, occasioned by the audience stamping their feet.

Serjeant *Ballantine*.—I have no question to ask your Royal Highness.

The Prince of Wales then left the Court amidst a second demonstration of applause, which was, however, speedily repressed.

His Royal Highness gave his evidence from the ordinary witness-box, which is, in point of fact, a portion of the bench railed off, and except that Lord Penzance recognised his position by a courteous bow, he was treated in every respect as an ordinary witness.

Sir F. Johnstone was then called, and

Lord *Penzance* said—I must tell you as I have just told his Royal Highness the Prince of Wales, that you are not bound to submit yourself to any question in relation to the matter now in hand unless you like.

Dr. *Deane*.—Sir Frederick, have you been many years acquainted with the Moncreiffe family?—Several years.

Have you known Lady Mordaunt from her childhood?—Yes.

Have you from time to time, down to a recent period, kept up your acquaintance with Lady Moncreiffe's family?—Yes.

You went to school with Sir C. Mordaunt, I believe, but did not know him until his marriage?—No: I was his senior.

You have visited, we are told, frequently at Walton Hall?—Yes.

Did you keep your horses at Walton in the hunting season?—I did.

I will call your attention to the end of December, in the year 1868. On that occasion did you dine at the Alexandra Hotel?—I did.

With Lady Mordaunt?—Yes.

You and she were alone, I believe?—Yes.

How did you know that Lady Mordaunt was there?—I met Mrs. Forbes in the street the day before, and she told me that Lady Mordaunt had come up to town and was at the Alexandra Hotel. In consequence of that I called upon her, and she invited me to dinner next day.

At what time did you go to the Alexandra Hotel to dine?—In the afternoon, I think.

At what time did you leave?—At twelve o'clock.

What room were you in?—The sitting-room.

Now, from first to last, has there been any improper familiarity or criminal act between you and Lady Mordaunt?—Certainly not.

Now, in the course of this inquiry, certain things have been stated with respect to your state of health——

Sir F. Johnstone (interrupting the Counsel).—I say that more unfounded and wicked statements were never made about any man.

Lord *Penzance*.—You don't mean to say that you were never diseased?—Certainly not, but not for many years.

Cross-examined by Serjeant *Ballantine*.—You don't mean to imply that you never had a certain disease?—Certainly not.

I suppose you understood Dr. Deane to mean whether you had it at the time he referred to?—No; nor for many years previously.

Were you invited by Lady Mordaunt to dine with her at the Alexandra Hotel by letter?—No: I explained that I called on her the previous day, and she then invited me.

Did you understand that it was to be a *tête-à-tête* dinner?—No; I did not know but what I might meet somebody.

Lord *Penzance*.—Had you any expectation about it at all?—I did not know but what Lady Mordaunt's sister might be there.

Serjeant *Ballantine*.—Did she say that it was to be a *tête-à-tête* dinner or not?—Certainly not.

You knew her husband was not in London?—I did.

Did you not consider her inviting you to dinner when her husband was out of town was an indication that it was to be a *tête-à-tête* dinner?—No; I did not.

Of course you were with her all the time?—I was.

You had been on a visit to Walton Hall on several occasions?—Yes.

Were you afterwards there?—I was there on three several occasions.

Afterwards?—No.

Did you ever see Sir C. Mordaunt afterwards?—No; I never did.

You never told him about this dinner with his wife when he was away, and she was quite alone?—I never did.

You are not in any way a family connexion of Lady Mordaunt's?—No.

Dr. *Deane*.—When you were dining with Lady Mordaunt did the waiter occasionally come into the room?—He did.

Dr. *Deane*.—That is the last witness, my Lord.

Lord *Penzance*.—You handed in some letters last week of the Prince of Wales, which have never been read. I think they ought to be read.

Dr. *Deane*.—My Lord, there has been some practice with respect to those letters which may be important or not. Your Lordship knows that although they were never read they were published next morning in the papers.

Serjeant *Ballantine*.—It was a very improper proceeding.

Lord *Penzance*.—A most improper proceeding.

Serjeant *Ballantine*.—I was never more surprised in my life, because, though I wished to refer to some question of date, I did not intend to deal otherwise with them.

Lord *Penzance*.—The letters were deposited in the hands of the Court, and I can safely say that their publication did not proceed from any officer of the Court. It was an act of great impropriety, and I very much doubt whether the Court ought not to take notice of it by way of contempt of Court. They may be material or not, but I think they should be read.

The letters were then read, and on Serjeant Ballantine stating that he did not wish to address the Jury that day,

The Court adjourned at twenty minutes past three o'clock.

FEB. 24.—SIXTH DAY.

THIS remarkable trial to-day entered upon its final stage. The disclosures made by the witnesses having terminated, it might have been supposed that the public excitement created by them would have diminished, but the eagerness to hear the speeches of Counsel was so great as to attract a crowd fully equal to that of any former day.

The *Judge Ordinary* having taken his seat this morning, one of the Jury alluded to an expression made use of by Dr. Jones in his examination of the preceding day, to the effect that Lady Mordaunt, during the visits he paid to her, appeared to be "generally sane," and said he wished for an explanation of the phrase.

The *Judge Ordinary* read Dr. Jones's evidence, and the Juryman expressed himself satisfied.

Mr. Serjeant *Ballantine* alluded to a letter which had appeared in most of the newspapers this morning from an eminent firm of attorneys, in reference to the examination of one of the co-respondents in the case. That letter contained suggestions as to the witnesses and the conduct of the trial which were highly improper, and he thought if the writers had any observations to make, they ought to have waited, in common decency, till the close of the trial.

The *Judge Ordinary* said he quite agreed with this.

Mr. Serjeant *Ballantine* then proceeded to address the Jury for the petitioner. He said he felt that on the result of this inquiry depended the future happiness, comfort, and respectability of his client. He was oppressed by the weight of the interests entrusted to his care, but he felt assured that they would be assisted by the conscientious attention of the Jury in coming to a truthful and impartial conclusion. He felt that this would be the last opportunity which Sir Charles had of appealing to a Jury of his countrymen, but he was convinced he should be able to satisfy the Jury of the truth of the petitioner's story, and that in the situation in which he had been placed by the misconduct of his wife he had no other alternative. It was for the Moncreiffe family to show that Lady Mordaunt was insane. So far as Sir Charles Mordaunt was concerned, every possible atom of evidence had been produced, and he had placed before the jury every single individual who knew anything of the case, and of whom he had it in his power to influence the appearance. On the other side it was too manifest that there was no wish to give the Jury real information, but rather every step in the proceeding indicated a deliberate desire and intention to suppress the matter, and to confine the inquiry to the narrowest possible dimensions. In conformity with this plan they confined their evidence to four women servants, whose

position was naturally not such as to inspire confidence, and then they produced a host of medical men, each with his pet scientific theory, in order to overwhelm the Jury and induce them to adopt their authority by the sacrifice of their own judgment. But where was Lady Louisa Moncreiffe, the mother of the respondent? Where was Mrs. Forbes? Where was Miss Blanche Moncreiffe? Where was Mr. Fiennes, the uncle of the respondent? The absence of these witnesses, who had the best possible means of information, was fatal. There was no single person who was capable of giving such precise and satisfactory testimony as Lady Louisa Moncreiffe, and she was not produced. If this were a mechanic's case, would they not expect the wife to be called to speak to the daughter's state, when she had been present at her confinement? Would they not expect the sister to be called? Of course it was a painful thing for a lady to have to appear in the witness-box, but so it was for a servant girl. He insisted that there was some strong reason in the background why Lady Moncreiffe had not been called, and that her absence was utterly inconsistent with a desire to convey the truth to their minds. Another witness of almost equal importance was Mrs. Forbes, a married sister, who was said to have been prevented from appearing by her confinement, which took place about three weeks ago. Mrs. Forbes might have been examined by a commission in the same way that Mr. Haynes was, and there was no earthly reason why everything she knew should not be stated to the Jury. He did not dwell so much on the absence of Miss Blanche Moncreiffe, because any one would be willing to excuse her if possible. But Mr. Fiennes, the uncle, a person consulted by Lady Mordaunt and her friends as to the course they should adopt, was not called. He should point out how very important that evidence would have been, and how completely, by its absence, they were left in the dark. Having the affirmation to prove, the other side had given no evidence whatever as to the state of Lady Mordaunt's mind at and for a long time after the period of her confinement, and they had abstained from calling the witnesses who could have at once proved their case if Lady Mordaunt were really insane. The confinement occurred on Sunday, Feb. 28th. Lady Louisa arrived on March 3rd and remained till March 6th. The original confession was made on March 8th, a second on March 13th; the letters of Sir Charles Mordaunt filled up the interval between the 8th and 13th. Lady Louisa again arrived and remained till the 16th of March. Sir Thomas arrived on the 20th. The citation having been served on the 30th April, Lady Mordaunt left Walton on the 15th May, and a letter which had been produced was written from Belgrave-square on the 16th. These were the most material dates, and he should make observations on the different epochs of the case. In reference to the character and position of Sir C. Mordaunt, it must have occurred to their minds that he seemed to be a person thoroughly simple-minded, and to have been devotedly attached to his wife, the letters he had written exhibiting in every line a clinging hope that the wife of his bosom had really not been unfaithful to him, and determination to believe to the last that she

was innocent, and therefore writing in a strain not the most logical and most strictly accurate. Those letters were obtained from the *eseritoire* of Lady Moncreiffe, who dared not show herself, and who now handed them over in the hope of injuring the petitioner's cause. He could not ask a single witness what Lady Moncreiffe had said. She could tell them exactly what was her daughter's state and circumstances on the 3rd March and succeeding days. Was Lady Mordaunt then a maniac? If so, was it credible that a mother could have left her child under such circumstances? Mania was a state easily discernible by any ordinary person, as they had heard from the doctors. Could there have been any mistake in the mother's mind as to the real state of her child at that time? Was her daughter a maniac on the 6th of March, when she left the house? That was the case of the other side, and they asserted that it was so. If it were so, why was not Lady Moncreiffe there to prove it? Instead of that, they were left to the rambling evidence of a monthly nurse, who would no doubt be accused by the other side of perjury, while they kept back the very witnesses who could have given the most full and satisfactory evidence, if the nurse was not speaking the whole and exact truth. Before he went further, he might observe that the name of his Royal Highness the Prince of Wales was mentioned in the first confession, but not in the second, and he should by-and-by point out the difference between his Royal Highness's position and that of the other persons whose names had been implicated. This was naturally the way he should proceed with the review of circumstances. On the 13th of March the mind of Sir C. Mordaunt became more oppressed and darkened by the dawning conviction of his wife's guilt, and he questioned his wife as to the persons whose names she mentioned, and their guilt or innocence. Could he any longer doubt, after the result of those inquiries? He did what any other man placed in his circumstances would naturally have done: he went to the quarters where evidence could be obtained to satisfy his mind, and he succeeded in procuring evidence of such crushing weight as could leave no particle of doubt. That the other side were deliberately preventing them from knowing the full history of the case, and shutting out the very evidence that was most important appeared from the circumstances that they were left in ignorance of the child's behaviour to the mother after those deplorable and miserable confessions. Lady Louisa, on her second visit, was with her daughter for hours day after day, talking with her and conversing upon all the circumstances. His cross-examination of Sir T. Moncreiffe pointed to this. He asked that gentleman if he had learned from Lady Louisa the statements her daughter had made to her, and the learned Judge also asked him if Lady Louisa ever repeated to him these statements. While Sir Thomas knew absolutely nothing, he knew perfectly well the statements that had been made. What were those statements? Would his learned friend tell them that they ought not to know them, or that they ought not to have heard them from Lady Moncreiffe herself? They might have confirmed what

they had heard from Sir Charles Mordaunt himself or flatly contradicted it; but they ought to have heard from Lady Moncreiffe those statements, in order that they might be able to judge whether they were the ramblings of insanity, or the work of conscience getting rid of crime. His learned friend was obliged to rely upon argument and exclude witnesses, in order to impose upon Sir Charles Mordaunt the fearful burden he would have to bear if his wife's insanity were proved, and he was determined to exclude the only source by which the truth could be placed beyond doubt. Up to the 20th of March not a hint of insanity was given; from that time it was set up. Supposing respectable and credible witnesses were called to contradict the evidence of the nurse Hancock, they would have to decide in their own minds which was most probably speaking the truth; but there was none. The child born was admitted, in the interview between the mother and daughter, to be the child of Lord Cole and not the child of her husband; if it were proclaimed trumpet-tongued from one end of London to the other, it could not be affirmed or proclaimed more clearly and distinctly than it was in this intercourse. What was to become of this wretched foundling? The mother and daughter proceeded to discuss this question, and how much the nurse was to be paid for taking care of it, yet they were to be told that this was a delusion, and that the respondent was a maniac. But down came Sir Thomas, a practical man, and told them that Sir Charles Mordaunt must keep the child, as born in wedlock, and after he left the insanity was set up. The witness Hancock was droll in her manner, and positive as monthly nurses were obliged to be, and she treated my Lord and all of them with but little respect, though probably she would go back to her duties with the notion that she had herself been used not very respectfully. The story she told was not very credible. He could hardly picture to himself, even in imagination, such a scene as must have been this chaffering between mother and daughter as to the maintenance of the miserable offspring of the latter. But where was Lady Moncreiffe, from whom they might have learned the truth? Where was Mrs. Forbes, with whom Lady Louisa held several conversations on the subject? If there were one hundred other witnesses, his learned friend could not weaken his case more than he had done by not calling the respondent's mother. From the 20th of March to the 30th of April no action was taken. A woman hardly ever despaired of winning back the mind and heart of a man over whom she had exercised complete control through the hold she had gained on his affections. During this time, when the other side said Lady Mordaunt was in the most deplorable state of lunacy, the only step taken by her friends was the visits of Sir James Simpson, and the respondent was left under the care of a doctor who laughed at the very idea of her insanity, and who certainly would not treat her for that. After the 30th of April three doctors went down—Dr. Tuke, who kept a lunatic asylum; Dr. Anderson, who was an eminent man; and Dr. Priestley, who had been the attendant of the family. They went down, but they had no communication whatever either with Mr. Orford, the ordinary attendant of Lady Mordaunt, or

with Lady Moncreiffe. They signed a certificate that she was suffering from puerperal mania, attended with delusions. The effect of such a certificate was of course to make out that the statements made by Lady Mordaunt after her confinement were untrue, and that they were the delusions of the malady. He could not refrain from observing that the signing such a certificate was the most strange and singular proceeding on their part, with the very imperfect knowledge they had of the case. All they knew about the statements she had made was from Sir Thomas Moncreiffe, who himself told them that his knowledge was partly derived from Lady Moncreiffe. One of the delusions chiefly relied upon by Dr. Priestley was the fact of Lady Mordaunt thinking herself to be still mistress in her own house, and that her husband had only gone away for a short time, and would speedily return to her society. One of the questions put to this gentleman was, "Supposing she had given them a long and accurate account of conversations held with other persons, giving a detailed account of matters which were afterwards found to be perfectly true, would this have at all affected your view as to her suffering from the delusions of madness?" His answer was, "Not at all;" and the jury would form their own opinion as to the value of that evidence, recollecting that they had themselves judgment as well as doctors. This gentleman's views of insanity and delusion appeared to be of a very peculiar kind, amounting to this, so far as he could make out, that anything stated by a patient which was found to be true would still be a delusion. Again he was asked, and stated that this was the principal delusion; but they also heard from Mrs. Forbes that Lady Mordaunt believed herself to be poisoned. Yet Mrs. Forbes was not called to say whether anything of the kind really took place. He would not go very minutely through the medical testimony, but he thought he had done so enough to show that the report they had made was drawn up upon very insufficient grounds. Dr. Tuke, again, asked, "My dear Lady, what can I do for you? You would not like to go to a lunatic asylum, would you?" Was this real? It did not sound very like it. The Jury, however, must form their own opinion upon it, comparing it with the accounts they had from the medical gentlemen whom he had called, and who gave a very different account. The monthly nurse must know what puerperal fever and mania were; and they said there was nothing whatever of the kind. Time went on until the visit of a lady who had been examined, and who had given her evidence with an amount of candour and apparent truthfulness never exceeded in a court of justice—the Dowager Lady Mordaunt. Unless the respondent were proved to be insane upon the 13th of May, he submitted that he was entitled to their verdict. They recollected the circumstances pointed to, of the respondent sitting on a coal-box and the witness telling her that this would not do, that they all knew what it meant, and that she had better pack up her things and go. The poor girl immediately gave up what evidently was nothing but a piece of puerile shamming, and went out into the garden, walking about and talking naturally. He submitted that the evidence of the

Dowager Lady Mordaunt was worthy of the greatest attention and confidence, and was perfectly conclusive as to the state of the respondent's mind. The bar attempted to be set up to inquiry was because they really knew of her guilt. There were two other witnesses whose evidence was too important to be omitted—the Rev. Mr. Cadogan, the clergyman of the parish in which Walton House was situated, and his wife. They were the only witnesses whom he had called, whom his learned friend attempted to cross-examine as to character, though what on earth the fact of their having taken a legacy under Mrs. Thwaites's will had to do with the matter, or as to the case, he could not possibly conceive. Mrs. Cadogan had excellent means of forming an opinion, and she was satisfied that Lady Mordaunt was perfectly sane, and was suffering from no delusion. Her last interview was on the 14th of April, not so late as that of the Dowager Lady Mordaunt, but that included the most important epoch of the case. As to the filthy habits spoken of by some of the women servants, called for the respondent, not a single indication of them was noticed either by the doctor or any respectable person, and if they were not real they must have been assumed; but he was content to leave this matter to the Jury. Supposing puerperal insanity, with delusions, fixed, certain, and taking a form and shape unmistakable, would they suddenly stop after Sir Thomas Moncreiffe's visit, and not a trace of them be found afterwards? They had not heard, from doctors or any one else, that the respondent after that time uttered a single word as to any of the gentlemen of whom she had formerly spoken. This was a matter which presented itself to his mind as one of the utmost gravity. He did not speak to the Jury as men intimately acquainted with the phases and symptoms of insanity; but, as men of ordinary education, they knew something about it, and he asked them to say whether this could be assumed as probable or credible, after their minds had dwelt upon a hundred circumstances—the fact of the child being born diseased, and the letters, of which they had heard at painful length and minuteness. There was the letter, too, written by the respondent to her nurse, praying her to say nothing of the nonsense she had spoken. He now came to a most painful and disagreeable feature of the case, upon which he was most reluctant to dwell. That there was present to Lady Mordaunt's mind a conviction that she had contracted a disease was evident. If the testimony of the nurse as to the child being born with all the symptoms of that disease was true, it completely negatived all idea of insanity. She loathed the child, the innocent evidence of her disgrace and the dishonour she had inflicted upon her husband. He would make no attempt to discredit the evidence of the co-respondent, who had sworn that he had had no disease of the kind for a long time previous. He had no desire to dwell upon it, and would at once say that he could not believe it was in human nature for a man to intrigue with a woman under such circumstances. He had almost forgotten to call to their recollection that Lady Kinnoull was also a material witness who was not called. Certainly there was no evidence of mania in the letter

which Lady Mordaunt wrote from her house in Belgrave-square in May, which he should read to them. It was said that when the doctors came to her she was perfectly incapable of connected thought or expression; but this letter, dated the 16th May, showed that she had had a wonderful recovery. It was to her husband, and informed him that she was better than she had been, though still rather uncomfortable :—

“MY DEAREST CHARLIE,—I think you will be rather surprised to see me writing from here, but I came yesterday with papa and Helen, as I am not very sure about Orford’s advice. I am better than I was, but still rather uncomfortable. I hope you have been getting on pretty well with your fishing. I saw Osbert yesterday (that was a brother of Sir Charles); your mother is very anxious about Arthur, who is very delicate. Major Arbuthnot called here yesterday [that was not General Arbuthnot.] He had seen grandmamma to-day. He seems a nice sort of creature, very much like the sort of thing for Lina. I have not asked yet what sort of presents she has got, and I think I will purchase something to-morrow to give her myself. I propose to wait until you get back to decide on it. I have got such a jumble in my head. * * * I hope you will write me a line to tell me what you think about the presents to Lina.

“Believe me ever your loving wife, “HARRIET MORDAUNT.”

In a postscript she added :—

‘Lina’s wedding is put off on account of S. M. Bradford’s death. I am going to part with Clarke. I think we had better leave baby with Maria at Walton, and let the servants come up to Chesham-place.’

The insanity which existed when the letter was written must have been of a most extraordinary kind. It was written with the intention of conveying to her husband that she remembered nothing of what she had said and confessed; but if she had ever had real mania she would, when she wrote to her husband, have spoken of it clearly and distinctly, and shown that she had explained to her the character of that insanity and the nature of the delusions under which she had laboured. He proceeded to another part of the case, on which he would touch very shortly. His Royal Highness the Prince of Wales had appeared in Court on the previous day, and denied, in the only way in which a subject of the realm could do, the existence of any improper familiarity or intercourse with Lady Mordaunt. He (Mr. Serjeant Ballantine) had not opened in any way which necessarily supposed anything of the sort; all he suggested was that there had been greater intimacy than the husband thought desirable; but after hearing his Royal Highness he was bound to believe him. If he believed in the existence of guilt in the highest of the land, he trusted he had moral courage enough to declare and enforce his conviction; but as the matter stood, all he would say upon it was that if the Jury thought the letters which

had been read forced upon them any conclusion beyond what he suggested, it was their conclusion, and not his. Dr. Deane called Sir Frederick Johnstone, against whom the evidence was comparatively slight, but he did not call Lord Cole or Captain Farquhar, against whom the evidence, if they believed it, was conclusive. His learned friend called two who were prepared to deny the adultery, but not the two who were not. With regard to Johnstone, he did not seem to show the same feeling in regard to the offence with regard to a matter of what would be considered gentlemanly conduct. It was very well for him to come here and say "no criminality." But what business had he at the Alexandra Hotel, dining with this young lady, and staying with her from eight o'clock until twelve o'clock? What business had he there? With regard to Farquhar, when his attention was originally called to the matter he did not like the story of the lady's-maid taking the letter from under the pincushion; and perhaps this was the reason why Captain Farquhar was not made a co-respondent. But now that it was found that Farquhar had slept at the same hotel and was not called, what could they think? Then Lord Cole was not called, the very man to whom she imputed the paternity of the child. Where was he? When the plain English of the affair was discovered, how foul it all was! Let them remember Lady Mordaunt's memorandum. It was broadly affirmed throughout that Lord Cole was the father of the child, and yet he was not called, nor was Captain Farquhar. And what did they ask?—that Sir Charles Mordaunt should give this child his name, and rear it to inherit his property. On the 18th of October an interview took place between Mr. Herbert Murray and Lady Mordaunt. Was she at that time insane? For his purpose it was comparatively immaterial; for all he would ask them to find was that she was sane up to the beginning of May. If they believed she was insane at the date at which she saw Mr. Murray, why was not her uncle, Mr. Fiennes, called, whom Mr. Murray told her to consult so late as October? They said she was unable to put in an answer to this case, yet why was not Mr. Fiennes called, with whom she went to advise? In conclusion, it was sought to fix this illegitimate child upon Sir Charles Mordaunt, and he hoped that in coming to a conclusion they would be guided by their own honest hearts and minds, and by a sound judgment. (Applause.)

Dr. Deane rose to reply on the whole case. There was a very simple answer to what his learned friend said about Lady Louisa and others not being called. He (Dr. Deane), and those who acted with him, thought they had best confine their attention to what had occurred since the 30th of April, and the reason why he made an excuse for not calling Mrs. Forbes was because she was present when Lady Mordaunt was served with a citation. It would have been quite out of the question to have called anybody who had been present during Lady Mordaunt's illness. From the 28th of February down to the time when he addressed them he was, thanks to the other side, in a position to unfold a chain of evidence that would be irrefutable in

favour of the case of his client. He would call their attention to what seemed to him to be the foundation of the whole of this. Some time in November took place that strange conversation between Lady Mordaunt and her husband in which the latter made a certain statement in regard to Sir Frederick Johnstone. Sir Charles Mordaunt told them that within two or three days from that conversation his wife came to London. His learned friend, Serjeant Ballantine, said the next day, but the evidence showed that a longer period passed—that she came up to town with some friends, and stayed at the Alexandra Hotel. And what does she do according to the account given? Why, rush into the arms of the very man who had thus been described to her! The impression remained on her mind, and the first question she asked was as to whether the child was ill. The evidence of Hancock was that Lady Mordaunt spoke in regard to the child in a most specific manner. Did the nurse attempt to dissipate the idea? She did not. With regard to the confessions, they resolved themselves into three instances—one was that Lord Cole was the father of the child, and she was the cause of its blindness; another, that she had done wrong with Lord Cole, Sir F. Johnstone, the Prince of Wales, and others, in open day. The other he would refer to by-and-by. The fact was, an impression might be produced on the mind of a woman during her pregnancy, and then “the organ diseased gave a type to the insanity,” to use the words of Sir James Simpson; and hence the peculiar motive of her self-accusation, when taken in connexion with the conversation between Sir Charles Mordaunt and his wife in regard to Sir F. Johnstone. On the Saturday following her confinement she was, according to Hancock, manifesting one of the symptoms of puerperal insanity. Lady Louisa, who, according to Serjeant Ballantine, should have remained about her if she was insane, went away at her own request—thus runs the testimony of the nurse—this dislike being itself an evidence of puerperal mania. What were the symptoms of this mania? Self-accusation, taciturnity, dislike to those persons to whom she ought to be most attached. They would remember Sir Thomas Moncreiffe’s evidence as bearing on this point. As to Mrs. Cadogan’s evidence, they would call to mind how she said to Mrs. Cadogan, “I have had a strange dream.” The nurse then said, “Lady Mordaunt, Mrs. Cadogan knows everything.” From the beginning to the end she was trying to put away the child, and Hancock had to take away laudanum from her. “Take away,” said Serjeant Ballantine, “the innocent evidence of my guilt.” But that would have been the very way to show the guilt more clearly. Now, was the nurse’s evidence consistent with the letters of Sir Charles Mordaunt’s evidence? and were these letters consistent with Mr. Orford’s evidence? The doctors differed. Mr. Orford said neither hysteria nor catalepsy, nor a concatenation of the two, as, according to those letters, Dr. Jones did. The argument presented to them was this: Lady Mordaunt made certain admissions; these admissions are found to be true in point of fact therefore when Lady Mordaunt made these statements she was perfectly sane. What could they say, to begin with, of the accusation

against the Prince of Wales? The words used in his case were just as strong as against anybody else in the suit, and he could not see what difference his friend made. Sir Charles Mordaunt said he cautioned his wife against being acquainted with the Prince of Wales, and his friends said that when she said, "I did wrong with the Prince of Wales," she only meant that she had kept up a correspondence with him after being forbidden by her husband to know him. There was not a tittle of evidence to show that after Lady Mordaunt was cautioned by her husband not to know the Prince of Wales she ever set eyes on him, except in the presence of her husband. Let them sever, if they could, the statement made in regard to the Prince of Wales and that made in regard to the others. And if one statement was a delusion, how dare anybody say that the other statements were not delusions? This was the case with the respondent. The question then arose as to whether Lady Mordaunt was likely to have the complaint. Dr. Deane went on to say what interrogatories he put to the nurse and Mr. Orford on that point. They heard from Hancock that on the Saturday after the confinement the respondent exhibited exactly one of the symptoms that Dr. Tyler Smith said showed puerperal insanity. The nurse asked if her Ladyship would see her mother, and she said, "No, I can do better without her." Was not that a proof of what Dr. Smith said—that the patients of puerperal mania disliked those nearest and dearest to them? The symptoms were self-accusation, taciturnity, and dislike of persons next to them—so they were told by Dr. Tyler Smith. Was she excitable at this time? The nurse said that she was. She also wanted the laudanum, and the nurse had to lock it up. From the beginning to the end she was endeavouring to get the nurse to put away the child. It was pretty strong proof that, the child being there, and she wanting it to be sent away, she was labouring under a delusion. He thought that the nurse's evidence alone showed that they could not go on the confessions, and the confessions alone. Was it consistent with Sir Charles Mordaunt's letters, and were those letters consistent with the evidence of Mr. Orford? No, they were not. It happened unfortunately, and doctors differed. Mr. Orford neither saw hysteria nor catalepsy, nor any amalgamation of the two. Those were the terms used by Sir Charles in his letters, and he must have been told them. What should they say of the accusation against the Prince of Wales? The words she used of going wrong with the Prince of Wales were precisely the same as she used against other persons. The evidence against him was as strong as against anybody else—nay, stronger if it was good for anything at all. Sir Charles said "he called frequently—they were alone." When any of the Royal Family were at a house, it was the rule in society that other persons should not be admitted. The reason was obvious—vulgar persons, if they knew Royalty were there, would obtrude themselves. Sir Charles went on to say that he warned his wife against receiving the Prince. His learned friend said that meant keeping on a correspondence. Why was the evidence uncontradicted? Sir Charles left in June. There

was a shooting match at Hurlingham; the Prince and Sir Charles were the Captains for the sides, Norfolk and Warwickshire; and Lady Mordaunt was scoring, and was talking to both of them; and Sir Charles told the Jury that after that he and his wife went to a ball of the Prince of Wales's giving at Abergeldie. There was no evidence that after Sir Charles had spoken to his wife, she saw the Prince of Wales except in his presence. They could not separate Viscount Cole, Sir Frederick Johnstone, and the Prince in the accusation. If it were a delusion in one case, how dare people say it was not in another? As to the letters of the Prince, what was there in those letters? They were the most innocent that ever one man wrote to one woman. He now came to Sir Frederick Johnstone. What evidence had they besides the hearsay told by Sir Charles to his wife? Did they believe that Sir Frederick voluntarily got into the witness-box and perjured himself? What was the evidence against him? He met a brother-in-law to Lady Mordaunt when in town. When he got there he found her alone, and was he to have said that as she was alone he must decline the honour of dining with her? He believed Sir Frederick Johnstone spoke the truth. All this time, they must remember, that from what her husband told her she believed that Sir Frederick Johnstone was in a bad state of health. The accusation against Sir Frederick was as much a delusion as that against the Prince of Wales. Dr. Deane then went on to say why he had not called Lord Cole. What evidence, except the self-accusation of Lady Mordaunt, was there against his Lordship? None. He was "contingently engaged" to one of her Ladyship's sisters, and went to Walton and stopped a few days. Bird was staying up, and saw Lord Cole's coat and hat were downstairs. There was no secrecy. There was another point. Lord Cole did what many others did—when going down to Reading he was anxious to have the carriage to himself and Lady Mordaunt. Then they were told that his visit a few days after was a clandestine one; but it was nothing of the sort. The almanac made so much of was found in an open bag, and contained the entry "280 days from the 27th of June." Hancock said that Lady Mordaunt said Lord Cole was the father of the child, and yet that very witness said to Lady Mordaunt herself, "You cannot tell so nearly." That was the whole of the evidence against Lord Cole. And they attribute more to Lady Mordaunt's accusation against him than the one against Sir Frederick Johnstone and the Prince of Wales. He had now reached Captain Farquhar's case. Jessie Clarke said that in November, 1867, her mistress came to London, stayed at the Palace Hotel, and was with Captain Farquhar, and that a few days after she found a letter from him under her mistress's pincushion. She showed it to Bird and Mrs. Caborn, and said that she saw her mistress destroy the letter. She said nothing about it, because she was afraid of compromising her mistress. That was her statement. She did, however, mention other circumstances. It was strange that Captain Farquhar's name was not in the petition. There could only be one cause, and that was that the persons to whom she made this statement did not

believe it. The butler and Clarke did not agree at all as to the time that mention was made of the letter. Now as to the notices in the *Morning Post*. The name "Farmer" was altered to Farquhar. Brett spoke to altering it the same night; but in his affidavit he said, "on or about the same night." He would show them, from the paper itself, that what the witness spoke to on the day he was examined was untrue. On November 7th the last name was Captain "Farmer," which was altered to Farquhar. That was in the arrival book of the hotel. In the newspaper of November 9th he found Captain Farmer and "Mr. Small," and the latter did not arrive till the next day. Dr. Deane, after referring to some discrepancies of a minor nature, came to the evidence of Mr. Orford. His evidence differed from that of Jones. Mr. Orford ventured to let his mind suppose that three of the most eminent doctors had entered into a conspiracy to say that Lady Mordaunt was insane, and for that reason he would not see them. Ignorance and self-conceit often went together. Mr. Orford came into Court and said that up to last week there was no delusion or anything. It was suggested that the ophthalmia the child was suffering from was of a specific character. Could they conceive that it was possible for Mr. Orford not to have known that fact? He commented in severe terms on the treatment which Lady Mordaunt had suffered at the hands of Dr. Orford. Dr. Jones stated that Lady Mordaunt's conduct was marked with great taciturnity. He proceeded entirely on the basis that the statements she made were true, and he said that "given her statements were true, her appearances were feigned." It was now admitted on all hands that she was quite insane. When did that insanity commence? Mrs. Cadogan found Lady Mordaunt in one of these taciturn states. Her maid, she said, took her and walked her round the room, and showed her a picture. That was exactly what a person would do with an imbecile. It was in reply to questions from his Lordship that she said, "She seemed in a rapt state." According to the evidence "She cried bitterly. I sang to her. The maid took her round the room to show her a picture." That was worth everything Mrs. Cadogan had said. That was on the 13th of May. On the 7th, Mrs. Cadogan said that she attempted to nurse the child when neither the husband nor the doctor were present. The confession to Mrs. Cadogan was very remarkable; but it was still more so that Mrs. Cadogan should have immediately walked out of the room. When they came to look at Jessie Clarke's evidence, the acts of Lady Mordaunt were wholly inconsistent with soundness of mind. What would the jury think of a lady's-maid speaking to her mistress in this style, "It is no use, my Lady, trying to deceive me?" Did they recollect the other story of Lady Mordaunt asking her maid to let her lie down? It was quite evident that both Hancock and Clarke treated this unfortunate lady as if she were not of sound mind. It was a curious thing that the letter written to the nurse should not have reached her, and yet that it was exhibited to Hancock at the time she swore in her affidavit. What was the history of the letter? It was found by Jessie Clarke

in the pocket of the dress of her mistress. It was never sent. Whether it was something that had passed through Lady Mordaunt's mind or not he did not know; but did they suppose that a sane person who had made such admissions to the nurse would have written such a letter? He next proceeded to comment upon the evidence of the Dowager Lady Mordaunt, contending that the scene between her and Lady Mordaunt was almost conclusive of the insanity of the latter. There never seemed to have been any impression made on this unfortunate lady's mind but of those things which were then passing before her, and the extraordinary manner in which she dealt with respect to the cheques was conclusive in his mind of the unsoundness of her intellect. If his friend said she had never mentioned the delusion since, she had got over the delusion. Up to the present time he had gone on to what the people said at the time, and he asked them to contrast it with that of the four medical men whom Mr. Orford refused to see. He now came to an important part of the case, which had not been touched on previously—the evidence of Mr. Haynes, Sir Charles's lawyer. On the 30th of April he went with a citation and the petition. It seems that he had never known Lady Mordaunt prior to the visit; but he had been in the house four weeks taking depositions. When he got there she looked at him intently, and stood up, just as Dr. Jones said she did when he visited her last. [The learned Counsel proceeded to read the evidence of this witness.] He said she looked quite cheerful when some one came into the room. That was a description that was characteristic of a vacant kind of mind—a wanting of some one present. On the 15th of May she was brought up to London, and went to Lady Kinnoull's, where she was twice visited by Dr. Gull. That gentleman said that he closely questioned Lady Mordaunt, and that he said, "I made no more impression on her than on this board." Dr. Gull was one of the people least likely to be imposed on, and it was not likely that he should say what was not true. After speaking as to a letter written by Lady Mordaunt, the next point touched on was as to the kind of persons who were put about the respondent. She was insane, and a person accustomed to the care of such was sent by the Moncreiffe family to take charge of her. At Bickley she was never left one moment without a dependent of the Mordaunt family being near her. There was evidence of sleeplessness, habits that he would not further mention, the removal of instruments from her reach, wandering all over the house, and not allowed to purchase a single article for herself. He was particularly anxious to recall the evidence of Dr. Reynolds. He was asked to go down by Sir Charles. At first it was Dr. Reynolds's opinion that it was a case of apathy arising from hysteria; but he then thought it was dementia, and he gave up the idea that it was a case of simulation. As to Bird, Lady Mordaunt was found going into his room at eleven at night, and undressed. Was that like an act of a sane woman? Then they had the story of Keddall, that when out with Lady Mordaunt, when they met a beggar, the witness gave her something and Lady Mordaunt

gave a dried leaf. Was not that a proof of insanity? Could a person like Lady Mordaunt be so heartless? It was proved that they dared not leave the child with her. The learned Counsel next proceeded to comment on the evidence of Dr. Wood. He saw her three weeks after she went to Bickley. What struck him most was the extreme docility of Lady Mordaunt. She would do anything she was asked. But when it came to a matter on which reflection was required, there would be a difficulty of apprehension. The singing of the particular song, and its effect on her, as described by Dr. Wood, evidently impressed him with an opinion that she was not sane. He found her quite unable to state how much two florins made added together, because that required reflection, but she was able readily enough to name the two coins. He also remarked on the great difficulty she had in calculating the value of the cheques she was induced to sign. In one case they had it in evidence that though she drew one for 5*l.*, she was satisfied with half a crown. He did not think that Bird's evidence was material to comment on, because that witness could not reconcile her coming to his room with her perfect sanity. The evidence of Mrs. Caborn was in perfect accord with that of other of the servants as to the absurd conduct of Lady Mordaunt, and the perfect indifference with which she treated everything. The expression she made use of to Mrs. Herbert Murray, "What business has Charlie to go about jabbering with other ladies?" and "What are you come ferreting here for?" as well as her sitting down on the gravel walk at the Crystal Palace, were all indications of unsound intellect. He justified not calling Mr. Fiennes on the ground that he was not his witness. He had a vague idea that his visit was on the 28th of September, and when Mr. John Fiennes was afterwards introduced he could not call him. He had made out his case of insanity, commencing on the 30th of April, and continuing down till October. In November the state of this lady's health must have been known to Sir Charles Mordaunt's advisers. It was not till the fourth day of the inquiry that they were informed that the petitioner's Counsel could not contradict the evidence with respect to Lady Mordaunt's present state of mind. When, then, did the shamming cease and the dread reality commence? If she presented constantly the same symptoms, where would they draw the line? He had shown by the evidence of Dr. Tyler Smith that the symptoms were consistent with the taciturnity of puerperal mania. Mr. Murray called it a "fit of the blues;" and the evidence of many of the witnesses, in speaking of her shortly after her confinement, bore out that view. At Bickley, Lady Mordaunt was said to have written a letter to her mother. It was the one [produced] received on the 8th of October. His friend said that unless the letter was produced, a copy made by Miss Parsons would be brought forward. Who was responsible for this espionage? He admitted at the opening that Lady Mordaunt had a strong motive for feigning. To argue on motive would be most inconclusive. It would lead to this—that a person now insane probably began by feigning. Lady Mordaunt was

not feigning now. It was no business of his or the Jury's whether the case should end that day or go on. Nor was it true that all the sanity that was wanted from Lady Mordaunt was whether she could say "Guilty" or "Not Guilty," but whether she could instruct those that advised her even as to a number of incidents. He asked them not for the honour of Sir Charles Mordaunt, to forget the honour of the family to which Lady Mordaunt belonged. In coming forward Sir Thomas Moncreiffe had only done his duty, and not, as had been suggested, for the purpose of putting a block in the way of Sir Charles Mordaunt getting relief. He would take the blame on himself for not calling Lady Louisa. He was not aware till Tuesday afternoon of what Sir F. Johnstone had to say, and not till the previous day that his Royal Highness the Prince of Wales would come forward. The latter came forward to defend himself and his character, and the former to speak to a vile calumny.

Lord *Penzance* said he should sum up next day, and he proposed to put these two questions to the Jury:—Whether the respondent, Lady Mordaunt, was on the 30th of April in such a mental condition as to be enabled to answer the petition and instruct her attorney; and, if so, What time—if at all—did she cease to be sane?

FEB. 25.—SEVENTH DAY.

This case was brought to a close to-day, being the seventh during which it has been under investigation. There were, as usual, a great many persons waiting outside anxious to procure admission, but the Court was not crowded.

On Lord Penzance taking his seat,

Dr. *Deane* handed in a paper containing the questions which he said Counsel on both sides had agreed should be put to the Jury.

After perusing the paper,

Lord *Penzance* said he was not quite sure whether he could assent to the questions being put in the form proposed. The first question was whether, on the 30th of April, Lady Mordaunt was unfit or unable to instruct her attorney; the next seemed naturally to be whether, if she was not unfit then, she became at any subsequent time unfit. What he was to get from the Jury was whether she was in her right mind on the 30th of April, and, if not, when she ceased to be.

Dr. *Deane* thought the second question was involved in the first.

Serjeant *Ballantine*.—I think the Jury ought to determine, supposing she was fit then, and had become unfit since, when she became unfit.

Lord *Penzance*.—Yes, whether she ceased to be fit at any time since, and when. Then the first question will be whether the respondent on the 30th of April was in such a condition of mind as to be unfit or unable to answer the petition and give instructions to the attorney for her defence; and the second will be—if not, has she become so unfit and unable at any time since, and when?

This form of putting the questions having been agreed to on both sides,

Lord *Penzance* proceeded to charge the Jury. He commenced by observing that he was happy to say they were nearly at the end of this prolonged inquiry. As they must have remarked, they had just settled the questions to be asked, and he was convinced that, if they gave the same attention to them which they had given to the evidence, they would come to a right and proper conclusion. Many persons lamented that the topics on which they had been engaged should

become subjects of public discussion, and some thought it desirable that all knowledge conveying ideas of vice and immorality should be withheld from the public. Everybody knew that there had been an avidity on the part of the public to know everything which was going on in respect to this trial, which would not have been manifested if the investigation had been wholly with respect to a moral subject. Persons in high places were of course always objects of public attention, and therefore that accounted for a large portion of the interest manifested in the case; for if the details of the proceedings of that Court derived their interest only from the immorality of life they disclosed, there was scarcely a day in the week in which they would not be equally interesting. It was, therefore, on account of the position in society of those whose names were involved in these transactions that so great an interest had been taken in this trial. Conspicuous names naturally attracted public attention; and no doubt it was a great evil that, in a suit which might be properly instituted between husband and wife, evidence must be given which more or less affected the character of third persons, some of whom were not parties to the suit. Such a proceeding, indeed, seemed at first sight almost to savour of injustice, because parties whose names were occasionally introduced, and insinuations made against them, were not always in a position to instruct Counsel to appear for them, or even to go into the witness-box unless called by Counsel to substantiate their particular case. At the same time it was the undoubted right of the parties who were principals in the suit to call any witness, however high in position, or to mention any circumstances which become material rather than jeopardize their interests. He was not quite sure that there were not some counterbalancing benefits arising from the great publicity with which everything was conducted in this country; nor was he quite sure that there was not some corresponding benefit to the distinguished person whose name had been introduced into the cause through the publicity it had attained, because there was no doubt that in private the names of those who were supposed to be concerned in the great Warwickshire scandal, as it was termed, had been spread about through the country in every direction, and amidst all classes of society. It was not altogether an evil that they should investigate such matters in open day, and see the whole length and breadth of the wrongs which they involved. No doubt they were not called on to-day to give any verdict in this particular matter, or whether those statements were true; but there was great advantage in knowing that

all that was going to be said would be spoken in open Court, so that they might have the advantage of all that could be said without let or hindrance. The case on the part of Sir C. Mordaunt had been conducted by a dauntless and intrepid advocate, who would not have scrupled to have cross-examined any witness, however high his position, had the interests of his client required it. And here he must say, in justice to Serjeant Ballantine, that after reading the shorthand writer's note of his opening statement, he (the Serjeant) never made any imputations against his Royal Highness the Prince of Wales, and that nothing could be found in the slightest degree to justify the statement of Lady Mordaunt at the time of her confinement. The learned Counsel at once said that not only did he not impute adultery to his Royal Highness, but that he had never done so, which he (the learned Judge) could quite confirm. He thought he might assist the Jury by stating a little more about the case than had been referred to at the trial. The first process in the suit was served on the 30th of April, and Lady Mordaunt was allowed three weeks to reply; but the advisers of her family came before the Court, and, alleging that she was not in a fit state to answer, asked for time. That application was not unfairly dealt with on the part of Sir Charles Mordaunt, and time was given. But the application was renewed from time to time, and the consequence was that on the 6th of July it was considered that medical men on the part of Sir Charles should be allowed to go to Worthing, where she then was in charge of her father, to see her, and report on the state of her mind, and accordingly on the 10th of July four medical men, Dr. Orford, Dr. Jones, Dr. Burrows, and Dr. Reynolds, visited her, and it was upon their report that, feeling unable to determine the point in his own mind, he came to the conclusion that the issue should be submitted to a jury. There had been some misrepresentation as to the effect of their finding. The effect of the finding had been used to influence their decision, and it had been said that if it was that Lady Mordaunt was unable to answer the petition in April it would stop Sir C. Mordaunt's suit for a divorce. That, however, was an error, for nothing was clearer than this, that even supposing Lady Mordaunt to have been out of her mind on the 30th of April and insane now, yet as soon as she were restored to her reason, even if five, or ten, or any other number of years had elapsed, Sir Charles would have as good a right to a divorce as he had at the present moment. He would be then able to call her to account for her conduct, and therefore it will in no degree put an end to this suit. But there was another point.

It had never yet been determined on solemn argument whether Sir Charles could not go on with his suit even though the issue were answered in the affirmative. There was not a word in the statute under which they were sitting with respect to that matter, for although in criminal matters they could not try an insane person for the crime he committed, in civil matters the next friend of a lunatic was competent to conduct the interest of the person charged with wrong doing, and adultery held in some respects a middle position. The matter would no doubt be hereafter solemnly argued, and therefore it was plain that, however the present issue were determined, Sir Charles was not estopped from his suit. They had been asked in strong language whether they would legitimize the alleged spurious issue of Lady Mordaunt, and allow a gentleman of the character and respectability of Sir Charles Mordaunt to be blasted for the remainder of his life by being tied to a woman that had dishonoured him. But it could not have escaped their attention that that was not an argument which was at all addressed to the issue which was now to be tried. They must look, not to results, but to facts; but if they were to look to results, he should think it right to point out what they would be. The topics they had discussed related to the question whether Lady Mordaunt did or did not commit adultery. That was not the question now to be decided. It was introduced to found an inference on it, and therefore they must weigh it so far as it affected the accuracy of what she had said. The ordinary course of reasoning was reversed. It was the adultery which was to be proved in order to show her sanity. They must, therefore, ascertain how far the sanity of her statements were proved by the facts. It was only an incidental point, but let them consider what the evidence of adultery was independent of the statement. There was the evidence affecting Lord Cole, which undoubtedly was very cogent. The respondent made an entry in an almanac, which she carried in her travelling bag. She put a little mark opposite the 3rd of April, and added, "280 days from 27th of June." There was other evidence that she expected to be confined in March or April. What was the meaning of that mark, except that she expected to be confined on the 3rd of April, because it was 280 days from the 27th of June? That was a point of extreme weight, for on the 27th of June her husband was in Norway. Whether that proved that Lord Cole was the father of the child was another matter; but on that day he dined with her, and after the others had left it was proved by the servant that he remained an hour and three quarters

later. They must bear in mind, in discussing these questions, the ordinary usages of society. Was this consistent with them? The evidence was that he called again two or three times after that. On her going to Warwickshire Lord Cole went down as far as Reading with her, and three days after he went to Walton Hall, and stayed from the 7th to the 10th, the sole guest of Lady Mordaunt.

Dr. *Deane* thought that his Lordship was in error. There were two others there.

Mr. *Inderwick* concurred.

Lord *Penzance* said that he had no doubt Counsel were right, and withdrew the remark. Then, when the child was born, she said to the nurse, "That is not Charles's child, but Lord Cole's;" and repeated it almost every day. Now the Jury were not asked to express any opinion on that point, but still it was not right that he should omit to refer to it. He would then pass to the case of Captain Farquhar, which was not so strong, and indeed would be a weak one but for the letter. They would remember that the butler deposed to his visits at Walton Hall, and told them that on one occasion he had seen them together in a suspicious manner in the billiard-room. It was evident that he was a suspicious man. But the principal witness was the lady's-maid, who deposed to the state of Lady Mordaunt's day linen, and then spoke in detail on the visit to London from the 7th to the 9th of November. She certainly proved that Captain Farquhar was at the hotel at the time the lady's-maid said she saw him standing on the landing outside of her mistress's sitting-room. Whether he passed the night with her there was no evidence to show, but it was proved that he did not leave the hotel till the Saturday. Perhaps they would not have thought much of that but for the letter, and he owned he was not quite satisfied in respect to the evidence about that letter. Lady Mordaunt went home, became ill, and it was stated that the letter was not found under the pincushion for some days, and that three or four days before that the lady's-maid and the butler had a conversation about captain Farquhar being at the hotel, when the suspicious butler put aside the *Morning Post*. In what way did the letter come to light? The lady being confined in February, Sir Charles found several letters in the desk; and no doubt he made inquiries of the servants, who were all attached to Sir Charles's interests, but he did not hear anything about this letter. Then the attorney was there a month, and Mrs. Clarke told him everything she knew except about the letter, and nothing was said about it till the end of April, and

then Clarke said she told the attorney, and the butler said he also told him about it in Scotland a month afterwards. Whether they placed credence on those statements was entirely a question for them. The case against Sir F. Johnstone was so slight that if he were trying the case of adultery against him on the evidence, independently of Lady Mordaunt's statement, he should rule that there was no evidence against him. Beyond the fact of his being a visitor of hers, the whole evidence was that he once dined with her, and was with her from eight to twelve o'clock. It appeared that her ladyship was, in fact, in town for some time, from December to January, and that her brother and sister went with her. He hoped that things had not arrived at such a pass that a Jury would find a lady and gentleman guilty of adultery merely because they dined together. With regard to Captain Farquhar, the hotel bill showed that somebody dined with her on that Thursday. Then the evidence in respect to the Prince of Wales was simply that he called several times upon her. Some letters were put in, and it was proved that some of the servants had posted letters to him. That was simply evidence of visits. If he were trying a question of adultery, and the statements of the lady were eliminated, he should say there was not the slightest evidence of adultery in the case. As to no one being admitted when the Prince was there, that was in conformity with the practice, not only here, but in other countries, that whenever a royal personage called the doors were closed to other visitors. He should therefore, sitting judicially, withdraw such a case from the consideration of the Jury. He would now approach what was the real question, namely, the sanity or not of this lady at certain times. He did not know a more difficult definition to express in words than that of insanity. They might talk of an insane person as mad, as weak, as of unsound intellect, as a raving maniac—which would suggest the idea of chains and cells. There was, he thought, as much variety in mental as in physical disorder. He must ask them whether they thought this lady was in such a state of mental disorder as to prevent her from instructing her attorneys on the 30th of April? He much preferred that definition to asking them whether she was mad or insane. The learned Counsel for the defence confined the question to her state from the 30th of April to the present time, but the Counsel for the petitioner insisted also on their giving an opinion as to her state of mind from the time she was confined to the 30th of April. He thought that was perfectly just, because there was no reason to commence at that precise date, for

the state of mind in the first period might greatly influence it in the second. Tests had been resorted to by the petitioner to establish her sanity. He said the lady made certain confessions which, if true, would imply her sanity. The second test was this, were her acts reasonable? He (the learned Judge) was not quite sure whether either of those tests was a correct one. Suppose she had dishonoured her husband as stated, would it follow that her mind was not disordered at the time of her confession? Was a woman at the time of her confinement and not in good health not likely to say things not true, or was it not possible that, though her reason was off the balance, she might state facts that were true? Might not a person state what was true and add something to it? Would it not be possible for a woman oppressed by a load of guilt and acting under a feeling of remorse to make this damning confession though her mind was off the balance? She may have made the confession, said the learned Counsel, because she knew it was not her husband's child. If that were proved it would be a very important fact. If that could be established they would find a person going on in a reasonable and ordinary way, and with a reasonable and ordinary motive. But the dates were against it. It was on the Monday that she said the child was Lord Cole's, and repeated it on the Tuesday. She asked if there was anything the matter with the child, and she was told "No," and there was nothing the matter observed then in the child at the time. If she had found that the child was affected, and that she could lose nothing by her confession, there was a deal to be said in favour of the truth of the confession. As it was, she made the confession before it was known that the child was bad in its eyes. Then what reason had she to make a confession? Many women did so for the purpose of getting their husband's forgiveness. On one or two occasions, when Mrs. Cadogan asked her to tell her husband that she was sorry, she said, "No, I am not sorry." Was that the act of a reasonable woman, after making a confession? Another test was, that she talked reasonably at times. Was it not common knowledge that persons who were insane often spoke as if sane? In a London asylum would they not find persons who could talk sensibly? In monomania the person frequently talked rationally on every subject except the one on which they were insane. He thought they should not go so much on what reasonable things she did as what unreasonable acts she committed. The evidence on this head was that of Mrs. Cadogan and the nurse Hancock. The latter said that it was a small baby. She (Lady Mordaunt)

asked if the child was diseased, was it born with the complaint? With one aspect that looked strongly guilty and strongly sensible, as at the time she had a discharge on her that affected the child's eyes. On the Monday she said, "Are you sure there is no disease on the child, did Mrs. Cadogan and Mrs. Caborn see it?" The nurse only replied that, "You told me it was a seven months' child, and it looks more like an eight months'." She talked on the same subject, and said, "This is Lord Cole's child; it took place the last week in June." The Jury should mark this was before she knew that the child's eyes were affected. On the Wednesday the child's eyes had begun to be bad, the respondent frequently alluded to the child, and spoke of having it baptized. On the Friday she again spoke on the matter, and on the Saturday Mr. Solomon came. Hancock sent up Sir Charles at respondent's request. On the Tuesday respondent was excited, and asked the witness to fetch her husband, and Lady Mordaunt said, "This is Lord Cole's child." The nurse was not asked as to her condition from the Monday till Saturday, and those were days on which Sir Charles wrote the letters produced in Court. It was soon after that that Lady Mordaunt said she would humble herself to no man, and did not care about seeing Lady Louisa. The witness then went on to say that she was told that she would have to bring the child up as an unfortunate child. The evidence of her conduct when the child was brought to her was strange. The first thing a woman did after the birth of her child was to cling to it. It was on the 13th that she asked witness to give herself or the child a dose of laudanum, and said that if she had been confined in London the child would never have been allowed to live. That certainly looked like a consciousness of guilt. In October the witness was with her three weeks. She would sit down and talk of the baby, and wanted the child, but the witness would not let her have it—that showed that at that time the nurse at all events did not think her sane. This was the whole of the evidence of this most important witness. Mrs. Cadogan saw the respondent five times the first week. On the Friday the witness told her that the child's eyes were not well, and she seemed depressed. On the Sunday she said that she should like to try and nurse the baby; but she could not. On the Monday—the day of the confession—the witness saw her, and she was well. She said, "I shall see Charlie and confess all." Witness did not then go till Friday, and then she saw Lady Mordaunt, who was silent and would not answer. They had certainly had a most extraordinary story—Sir Charles writing that his

wife could scarcely understand what was said, and Mr. Orford directly contradicting him. On the Saturday she was also distressed, and on the Sunday; and the respondent then said, "I only did it two or three times, and everybody does it in London." It was just after that period that the witness told the respondent that her husband was in London, and advised her to write and say she was sorry; but Lady Mordaunt said that she was not sorry. Lord Penzance here read the greater portion of this witness's evidence, and then went on to the testimony of Mr. Cadogan. He went and read a letter from the petitioner, and she cried. He had told the respondent that if she persisted in being churched he should have to write to the Bishop. The letter said that Sir Charles hoped his wife would own her wrong, and the witness pressed her to do this; but she would say nothing. It was strange that she should have confessed before, and then refused when asked to do so through Mr. Cadogan. The next witness was, Lady Mordaunt's mother-in-law, who spoke to seeing the respondent several times, and they then got to the evidence of the petitioner. He said on Monday, the 8th, she appeared distressed, and then made the confession. About the 16th, he said that as many friends had been in his house would she clear them. He put their various names to her, and she exonerated all but two. She then seemed sensible; in fact, he had no doubt that she was. Sir Charles thought his wife might be ill, and he called in a doctor. No evidence could be so trustworthy as the letters of Sir Charles at that period, as he had then no collateral object, and they must be the voice of truth. His Lordship here read the letters to Lady Louisa. The first said her mind wandered, and it was difficult to get her to understand; on the Wednesday there was another letter, which referred to the child's eyes. . . . She sleeps well and gets stronger; but is very excitable. . . . She wanders a deal in her mind, and cannot understand what is said. On the Thursday he wrote to say that there was a change for the better in the baby; but that "Harriet's" nervous system was so bad that she could not get up. . . . She scarcely understands what I say to her. . . . She sleeps well. That fact, his Lordship observed, should be remarked, as if she slept so well it was a wonder in the consciousness of guilt on her. Other letters said that she was getting on as well as she could. The letters were all written after the confession, and showed, what Sir Charles admitted frankly in the witness-box, that he did not then believe in the truth of her statements at the time they were made, and did not do so till he found the letters,

&c. There must have been some appearance to make him not believe her; of course, he might now think that the consciousness of guilt accounted for those appearances. It was an extraordinary circumstance that Lady Moncreiffe was not put in the witness-box. It was pressed on them by the Counsel for Sir Charles, and he felt bound to say that he saw no reason why she was not examined. If the account given by the witnesses for Sir Charles of what took place was untrue, Lady Moncreiffe could have been called to contradict it. It would no doubt be a painful matter; but she might have been able to have shown her daughter in a different light. The learned Serjeant had added that Lady Moncreiffe might have been called as well as Jessie Clarke; but he must say that he never saw a more cheerful witness than she when exposing her mistress. It might be repugnant to Lady Moncreiffe to come forward; but if she could exonerate her child that repugnance might not have weighed very heavily. But they must not go too far on witnesses not being called, but consider the evidence of those that were before them. He had now got over the longest part of the case, and he should not detain them with the remainder for so long a time. She came to London and wrote a letter to her husband on the 15th of May. It was an extraordinary one; it was like an epistle from a wife on perfectly amicable terms with her husband who had gone from home for a short time. It was a perfectly reasonable letter; but supposing that it was a genuine letter, was it not a most extraordinary one? and did it not corroborate witnesses who said that when she left Walton she did not fully realise her position? If in her right senses she must have known that the journey to London was not one of pleasure, but that she was a banished woman, whom her husband had left for ever. First of all, was it likely, if she began by shamming, that it should end in madness? She was mad now, and was it tenable that she was shamming before? If so, when did she cease to sham, and then when become mad? What did Lady Mordaunt expect to get for shamming? If she were that mad so as to prevent a divorce she must be mad all her life. Madness was not a thing that could be put on to-day and put off to-morrow. If she was simulating madness she must simulate it for the rest of her life. What was life worth living for under such conditions? The moment she seemed sane Sir Charles could bring his suit for the divorce. There was indeed another view of the case on the subject of simulation. It might be true that though no one would embark in a career of simulation which must last a lifetime, it would be a great point to show

that she was insane at the time of her confinement, and so to get rid of the statements she then made. She came up to London on the 15th of May, and was taken to Worthing under the guardianship of her father till July, when she was removed to Bickley. At the time she was served with the petition she was at Walton Hall, and they would recollect her demeanour there. When at Worthing she was observed by persons engaged by her father. She was then away from the control of her husband, and the evidence of what took place at Worthing, and her state of mind, was deposed to by those persons who were engaged by her own friends. The first was Florence Stephens, who deposed to Lady Mordaunt's habits, such as picking her fingers, eating with them off her plate, relieving herself everywhere; and having been addicted to wandering about in her stockings and slippers. His Lordship quoted the evidence of this witness at considerable length, remarking that the Jury would have to contrast it with that of the evidence of her conduct when she was under the care of her husband at Walton, and when she was at Bickley. At the same time there was one point he might comment on, and that was that the evidence of this witness was, that she never said anything about men, or referred to her past life; and it would be for the Jury to say whether they thought it likely or not, if she had been guilty of impropriety with men, she would not have said something about them at the time she was deposed to be insane. The next witness was Carruthers; and here he must point out that they were now verging on the precise time with regard to which the Jury would have to express an opinion upon the state of her mind. This witness deposed to various acts of Lady Mordaunt which were quite those of a lunatic if that evidence was true. The medical man who attended her at Worthing on the 22nd of May, considered her quite insane from puerperal mania. He should not think any medical man would make a mistake about it. While she was at Worthing the applications were being made for further time, and the petitioners were allowed to send down the four medical men. Dr. Burrows and Dr. Reynolds were called as witnesses, not by Sir Charles, but the respondent; but Dr. Orford and Dr. Jones were called by Sir Charles, and there could be no doubt that their opinion must command the attention of the Jury. Dr. Burrows said that he received his instructions from Sir Charles's solicitors to report whether she was competent to give instructions to her solicitor, and he stated that his opinion was that she was quite incompetent. He never saw her after-

wards. Dr. Reynolds said that he had seen her on several occasions, and was not so positive. In the first instance he felt doubtful whether her state was not that of hyteria, lethargy, and dissimulation. But when the question was put whether it was one of extreme disease or extreme shamming, he said his opinion was that it was not the latter. Afterwards she was brought to London, and Dr. Gull saw her, and he said he doubted whether she could say two consecutive sentences together. He could not find out that she possessed any intellect. He took her pulse and endeavoured to ascertain by speaking to her on exciting topics whether any impression was made on her heart, and there was not. There was no doubt that there was this continuous taciturnity, with a vacant foolish manner, which had been without a break. It was very odd that all this time she had grown fatter and better nourished; and Dr. Priestley said it was impossible that a person whose mind was always on the stretch, feigning madness, should improve in bodily condition and general health. It was a difficult thing to say whether a person was sound in mind or not, but ten times more difficult when these symptoms were put before them. He passed then to the time she went to Bickley. At that time the affidavits had been filed, and it was to the continued maintenance of the position by Sir Charles's advisers that she was sane that he came to the conclusion that the question should be tried by a jury. Then it was determined that when she went to Bickley she should no longer be surrounded only by persons employed by her father, but all the old and tried servants of her husband should also be there, and thus they would have the opinion of persons on both sides who were employed to watch her. The first witness to whom he would allude was Jane Kebble, who deposed to her extraordinary habits, and that she gave a withered leaf to a beggar; that her child was brought to her, and she did not treat it as a baby of six months old, but gave it a book to amuse it. She also deposed to her filthy habits. She reported to Sir C. Mordaunt's solicitor. The next witness was Miss Parsons, who deposed that she was like a beast of the field, and would lie down in the road. She sent her account to Sir T. Moncreiffe. He would now call their attention to the evidence given by those in Sir C. Mordaunt's interest more particularly, namely, the old servants. Bird the butler was called by Sir C. Mordaunt, but not asked as to anything which occurred at Bickley, where evidence of her habits was before the Court. He said she wandered about in the night, and he did not think she was in her right mind, and had his doubts

before. Then Mrs. Caborn spoke to the cheque. She was not asked about anything that took place at Bickley. She said that she observed that Lady Mordaunt's mind was weakened. From her account she spoke positively of the mind of Lady Mordaunt being weak from December, though otherwise she was in good health. She thought her mind began to give way as soon as she went to Bickley. It was certainly odd that Bird and Caborn did not deny the statements of the nurse and maid as to the state of the mind of Lady Mordaunt. It seemed, therefore, to him, that if they could have contradicted them they would have done so. Then Mrs. Herbert Murray deposed to her visiting Lady Mordaunt, and the conversation she had with her; and his Lordship read the whole of the evidence as reported yesterday. She admitted that she sat on a gravel walk at the Crystal Palace, and that she had noticed sudden pauses in her conversation and walking. She thought she might have been shamming; her acts were natural, but her manner of long pauses was not sensible. When Wood came in she was long in answering questions. The next evidence was that of Mr. Herbert Murray, who deposed to the conversation which took place between him and Lady Mordaunt, and that she used to have fits of the blues. At dinner she was watching Miss Parsons all the time, and on being asked whether she conversed rationally and sensibly, he replied in the affirmative, but added that on one occasion, in the garden, she suddenly turned round and shook hands with him in a vacant manner. He had no recollection of telling Dr. Wood that she was not fit to instruct her solicitor. He did not think her silence was put on. Now it was a very odd state of mind she appeared to be in, and must be considered in conjunction with the fact that everybody was now convinced that she was out of her mind. The cook was called, and proved that Lady Mordaunt could speak rationally about the dinner and luncheon. They had also the statement of General Arbuthnot that he found nothing the matter with her during the time that he spoke with her, which was about a quarter of an hour. It was necessary, assuming that her mind was partially diseased, to ascertain what the opinion of the medical men was as to their connexion with puerperal mania, and with the confessions she made to Sir Charles and others. Sir James Simpson was the first medical man that saw her. He saw her on the 14th of April—before the citation was served—and he then thought that she was not right. That witness told them as to puerperal insanity. He thought that some things detailed in evidence might be the dawning of

it. The witness thought the statements of the lady as very probable delusions, which often accompanied puerperal insanity. Further on the witness said that it was often the case that in puerperal insanity women accused themselves, and that if there was a delusion it was likely to refer to sexual matters. This view was confirmed by a very eminent man, Dr. Tyler Smith, who was called on behalf of Sir Charles. Dr. Smith said that there was taciturnity, self-accusations of immorality, and the patient's mind often ran on sexual matters. If that was true it was likely that if insane a woman would add to the guilt she had on her mind things that never happened. So that it might be that Lady Mordaunt might have confessed things partly true and partly untrue. Then there was the evidence of the other medical gentlemen. The account of Dr. Tuke, Dr. Priestley, and Dr. Alderson they would recollect. Dr. Priestley saw her at a very early period, the first time not long after the petition was served. He believed that she was of unsound mind, and incapable of managing her own affairs. The learned Judge after this referred to the evidence of Mr. Orford, and spoke of the delusions that person saw in the respondent. Mr. Orford's opinion of Lady Mordaunt's condition when she had just been seen by Dr. Burrows was in contradiction to that gentleman's view. Mr. Orford saw the respondent on the previous week, and did not believe her to be incurably insane. The witness went on to speak of the minute examination he made; but his Lordship thought there was no evidence of a specific disease, but that Lady Mordaunt was suffering from leucorrhœa. Whether she fancied she had the disease was another matter, and worthy of attention; but as to her being actually diseased there was no evidence. Mr. Orford thought she was shamming; that there was silence and a fixed look. Dr. Jones thought when he was called in that she was hysterical, but not insane. He thought that she was generally sane, and that there was a crushing weight on her mind. She exhibited some of the same manner at Walton as she did the other day when he saw her. That was an important statement, as now the petitioner and the medical men were agreed that she was now of a disordered mind. The strength of the case on the side of the respondents was that the symptoms which all the medical men now agreed had resulted in insanity were the same symptoms as those which manifested themselves immediately after the confinement, viz., incapacity to answer questions without a pause, taciturnity, hysterical laughing, and all others of which they had heard. On the other hand, the strength of the

case for the petitioner was that those symptoms which recently existed were of a different kind to those exhibited at the time alluded to. Was there any period which they could fix when any signs or delusions made their appearance? The symptoms now were of extreme taciturnity and vacuity, which were precisely some of the symptoms which were exhibited formerly. If they were signs of the existence of insanity now, who should say it was not begun before? The other side said she put on a false character for them to arrive at a false conclusion. He could not assist them further; and he would ask them whether Sir Thomas Moncreiffe had established that on the 30th of April Lady Mordaunt was in such a state of mental disorder as to be unfit and unable to answer the petition, and to duly instruct her attorney for her defence. Secondly, whether Sir Thomas Moncreiffe had, in like manner, established that she had become so unfit and unable at any time since the 30th of April; and if so, when.

THE VERDICT.

The Jury retired to consider their verdict at twenty-five minutes past two, and returned in eight minutes, having found that on the 30th of April the respondent was totally unfit to instruct her attorney, and has been unfit ever since.

A question was put by Dr. *Deane* as to costs, but it was deferred.

THE END.



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